



# General Assembly

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## Proposed programme budget for 2022

### Programme planning

## Proposed programme budget for 2022

### Part III

### International justice and law

### Section 8

### Legal affairs

### Programme 6

### Legal affairs

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\* Reissued for technical reasons on 2 June 2021.

\*\* [A/76/50](#).

\*\*\* In keeping with paragraph 11 of resolution [72/266 A](#), the part consisting of the programme plan and programme performance information is submitted through the Committee for Programme and Coordination for the consideration of the General Assembly.

\*\*\*\* In keeping with paragraph 11 of resolution [72/266 A](#), the part consisting of the post and non-post resource requirements is submitted through the Advisory Committee on Administrative and Budgetary Questions for the consideration of the General Assembly.



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## I. Office of Legal Affairs

### Foreword

It has been 75 years since the Office of Legal Affairs received the mandate to provide a unified central legal service for the Organization and to advise the Secretary-General, Secretariat departments and offices and United Nations organs on questions relating to the interpretation and application of the Charter of the United Nations, legal agreements and United Nations resolutions, rules and regulations, as well as on general questions of international law and related public and private law.

We celebrate this anniversary amidst unprecedented circumstances, as the world wrestles with the consequences of the coronavirus disease (COVID-19) pandemic and undertakes recovery efforts. These challenging times have highlighted the importance of increased international cooperation in the framework of international law, and the Office of Legal Affairs has adapted to respond to the increasing demand for legal services, responding in a nimble manner to new types of requests concerning legal and procedural issues to ensure business continuity in United Nations intergovernmental bodies, appropriate medical evacuation facilities and support for the Organization's humanitarian response to the pandemic, among others.

In this context, the Office of Legal Affairs will continue to discharge its mandate by advising on the legal aspects arising from United Nations operational activities, including from its peacekeeping, special political and other missions, while also providing legal services for resolving disputes of a private law character involving the operations of the Organization, its organs or its separately administered funds and programmes.

In the recently issued bulletin [ST/SGB/2021/1](#), the Secretary-General has confirmed the diverse and complex mandate of the Office of Legal Affairs as it continues to perform substantive and secretariat functions for organs involved in public international law, including the General Assembly and its Sixth Committee, the International Law Commission and the United Nations Commission on International Trade Law, as well as for the General Assembly plenary meetings concerning oceans and the law of the sea. The Office also represents the Secretary-General in legal conferences and judicial proceedings and performs the depositary functions of the Secretary-General for multilateral treaties and the functions of registration and publication of treaties conferred on the Secretariat in Article 102 of the Charter.

The Office of Legal Affairs continues to review, assess and improve its support for Member States in the implementation of the 2030 Agenda for Sustainable Development, including in the challenging and evolving circumstances created by the COVID-19 pandemic. The Office's capacity-building programmes and projects in support of ocean affairs and the law of the sea enhance the skills of government officials and other ocean professionals from developing States, while its capacity-building programmes and projects in the field of international trade law reform foster economic recovery and development, which are vital to revive progress towards many of the Sustainable Development Goals.

The activities carried out under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law ensure the legal training of professionals from developing countries and countries with emerging economies, while the United Nations Audiovisual Library of International Law provides its users with access to a unique resource on international law. The advice of the Office of Legal Affairs continues to be essential to intergovernmental processes in the United Nations, including the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

The decades of experience of the Office of Legal Affairs have resulted in a specialized legal skill set, credibility and neutrality, constructed by the commitment of its staff who, today just as 75 years ago, remain dedicated to fulfilling its mandate in the service of the United Nations, while facing new challenges to the international legal environment.

*(Signed)* Miguel de Serpa Soares  
Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

## **A. Proposed programme plan for 2022 and programme performance for 2020**

### **Overall orientation**

#### **Mandates and background**

- 8.1 The Office of Legal Affairs is responsible for providing a unified central legal service for the Organization; represents the Secretary-General in legal conferences and in judicial proceedings; performs substantive and secretariat functions for organs involved in public international law, including the General Assembly and its Sixth Committee (Legal Committee), the International Law Commission and the United Nations Commission on International Trade Law (UNCITRAL), as well as for the General Assembly plenary meetings concerning oceans and the law of the sea; and performs the depositary functions of the Secretary-General for multilateral treaties and the functions of registration and publication of treaties conferred on the Secretariat in Article 102 of the Charter of the United Nations. The structure and main functions of the Office are described in Secretary-General's bulletin [ST/SGB/2021/1](#).
- 8.2 The mandate derives from Articles 13, 102, 104, 105 and other relevant provisions of the Charter, as well as the priorities established in relevant General Assembly resolutions, including resolution [13 \(I\)](#) of 13 February 1946, as the central legal service for the Organization (including funds and programmes and treaty bodies institutionally linked to the Organization). The Office of Legal Affairs discharges mandates from the priorities established in relevant Assembly resolutions and decisions, including resolution [2205 \(XXI\)](#), by which the Assembly established UNCITRAL to further the progressive harmonization and unification of the law of international trade, with the Office's International Trade Law Division acting as its secretariat, and resolution [68/70](#), on oceans and the law of the sea, by which the Assembly established the Office as focal point of UN-Oceans. Furthermore, the Secretary-General of the United Nations has appointed the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel as Secretary-General of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and, pursuant to resolution [73/292](#), Special Adviser on oceans and legal matters to the Presidents of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

#### **Strategy and external factors for 2022**

- 8.3 The relevance of the services of the Office of Legal Affairs has grown in an increasingly interconnected world in which international law is the foundation for Member States to interact and cooperate in achieving their common goals. Now in its seventy-fifth year, the Office continues to respond to the needs of its stakeholders and beneficiaries with a specialized legal skill set, institutional memory, credibility and neutrality, while delivering on a diverse and complex mandate.
- 8.4 In the current challenging context, the Office of Legal Affairs will continue to respond to the increasing demand for legal services from the Secretariat and other United Nations organs, including through the provision of advice on questions relating to the interpretation and application of international law instruments and on general questions of public international law, to ensure that legal considerations are an integral part of the Organization's operations and the effective functioning of its principal and subsidiary organs. The Office will continue to respond in an agile manner to new types of requests concerning legal and procedural issues to ensure business continuity of various United Nations intergovernmental bodies during the pandemic.
- 8.5 The Office of Legal Affairs will continue to support Member States in the implementation of the 2030 Agenda for Sustainable Development, including in the circumstances created by the

coronavirus disease (COVID-19), and be a key partner in the United Nations system efforts to advance the decade of action and delivery for sustainable development.

- 8.6 The Office of Legal Affairs will also continue to contribute to the development of international justice and accountability and support with legal advice the reform initiated by the Secretary-General.
- 8.7 The Office of Legal Affairs will further continue to contribute to the efforts to combat sexual exploitation and abuse, whether committed by United Nations personnel or by non-United Nations security forces operating under a United Nations mandate, and it assumes an important role in the Organization's action to improve its response to allegations of such behaviour and in its efforts to hold accountable personnel who have engaged in sexual exploitation and abuse.
- 8.8 The Office of Legal Affairs will continue to maximize the protection of the legal interests of the Organization and minimize its legal liabilities. The Office will continue to advise on the legal aspects arising from United Nations operational activities, including from its peacekeeping, special political and other missions, while also providing legal services for resolving disputes of a private law character involving the operations of the Organization, its subsidiary bodies and organs or its separately administered funds and programmes.
- 8.9 The Office of Legal Affairs will also continue to support the progressive development and codification of international law and the conclusion of legal instruments resulting in the promotion of universal respect for international law, including by continuing to serve as the secretariat of the Sixth Committee, as well as by providing specialized support and advice to the International Law Commission, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, other special or ad hoc committees and diplomatic conferences in their consideration and formulation of legal instruments. The strategy of the Office will continue to strengthen the dissemination of international law through training programmes the United Nations Audiovisual Library of International Law and major legal publications.
- 8.10 The Office of Legal Affairs will further continue to support processes related to oceans and the law of the sea and the increased participation of States in, and effective implementation and application of, the United Nations Convention on the Law of the Sea and its implementing agreements, as well as the implementation of the ocean-related Sustainable Development Goals, in particular by providing secretariat functions to oceans-related processes of the General Assembly and the Commission on the Limits of the Continental Shelf. The Office will also continue to deliver expanded capacity-building activities on that topic, including by focusing on meeting the capacity-building needs of developing countries and by relying, when possible, on information and communications technology.
- 8.11 The Office of Legal Affairs will continue to promote harmonized and modernized substantive private law rules to govern international commercial transactions, in particular by ensuring the widespread adoption and use of those rules, strengthening technical cooperation and promoting the participation of developing countries in the law-making activities of UNCITRAL. The Office will support Member States in the preparation of universally acceptable legislative and non-legislative texts (treaties, model laws, legislative guides and recommendations), ensuring quality and consistency in the provision of that support and using delivery mechanisms that take COVID-19 restrictions into account, as necessary.
- 8.12 The Office of Legal Affairs will intensify the use of technological tools and other means to maximize the delivery of its work related to treaties and treaty actions through its dedicated website, and maintain cooperation with Member States, specialized agencies, United Nations programmes and offices, treaty bodies and other entities on the law of treaties to promote and ensure wider knowledge of the law of treaties, thereby preventing issues of interpretation and implementation of treaty provisions by contracting States.
- 8.13 For 2022, the planned deliverables and activities of the Office of Legal Affairs reflect strengthened approaches that incorporate lessons learned from the COVID-19 pandemic. Such planned

deliverables and activities include providing support to ensure business continuity and, when possible, adapt capacity-building programmes both in delivery and focus to contribute to global recovery efforts. Specific examples of planned deliverables and activities are provided under subprogrammes 2 (General legal services provided to United Nations organs and programmes), 3 (Progressive development and codification of international law), 4 (Law of the sea and ocean affairs) and 5 (Progressive harmonization, modernization and unification of the law of international trade). The support provided to Member States on issues related to COVID-19 is expected to contribute to planned results for 2022, as described under subprogramme 5.

- 8.14 With regard to cooperation with other entities at the global, regional, national and local levels, the Office of Legal Affairs will continue to enable the International Law Commission to exchange knowledge, experience and ideas with the President of the International Court of Justice, the African Union Commission on International Law, the Inter-American Juridical Committee, the Asian-African Legal Consultative Organization and the Committee of Legal Advisers on Public International Law of the Council of Europe, as well as with the networks of legal advisers of United Nations agencies and funds and programmes. Through the Division for Ocean Affairs and the Law of the Sea, the Office will also continue to cooperate with States, bodies established under the United Nations Convention on the Law of the Sea, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations (NGOs) and natural and juridical persons in the field of law of the sea and ocean governance. Through the International Trade Law Division, the Office will continue to cooperate with States, international financial institutions, donor agencies, intergovernmental organizations, NGOs and natural and juridical persons in the field of international trade law.
- 8.15 With regard to inter-agency coordination and liaison, the Office of Legal Affairs has been appointed by the General Assembly in its resolution [68/70](#) as focal point of UN-Oceans, the inter-agency coordination mechanism on oceans and coastal issues within the United Nations system. UN-Oceans currently has 29 members, including competent international organizations, specialized agencies, United Nations programmes, regional commissions, the secretariats of conventions and the International Seabed Authority. In addition, in implementing General Assembly resolution [2205 \(XXI\)](#), on the establishment of UNCITRAL, the Office coordinates the work of organizations dealing with international trade law and encourages cooperation among them.
- 8.16 With regard to the external factors, the overall plan for 2022 is based on the following planning assumptions:
- (a) Extrabudgetary resources are available, allowing the Office of Legal Affairs to respond to the increased demand for its services and complement the programme budget;
  - (b) Principal and subsidiary organs of the United Nations continue to request legal advice as a main component of the decision-making process, and the volume of requests is expected to continue at elevated levels, as was experienced in 2020 when the pandemic began;
  - (c) Specific mandates related to international trade law, oceans and law of the sea and others are renewed or confirmed by the competent intergovernmental bodies.
- 8.17 With regard to the COVID-19 pandemic, the proposed programme plan is based on the assumption that the proposed deliverables and activities for 2022 will be feasible to implement. However, if the pandemic were to continue to have an impact on the planned deliverables and activities, they would be adjusted during 2022 within the scope of the overall objectives, strategies and mandates. Any such adjustments would be reported as part of the programme performance information.
- 8.18 The Office of Legal Affairs integrates a gender perspective in its operational activities, deliverables and results, as appropriate, including through permanent interaction with the gender focal points in each division.
- 8.19 The Office of Legal Affairs integrates disability inclusion in its operational activities, deliverables and results, as appropriate. Through the work of its subprogrammes, the Office follows through its focal point all directives of the United Nations Disability Inclusion Strategy.

## Programme performance in 2020

### Impact of COVID-19 on programme delivery

- 8.20 During 2020, the COVID-19 pandemic had an impact on the planned deliverables and activities of the Office of Legal Affairs, notably the cancellation or postponement of meetings of intergovernmental processes and expert bodies, conferences hosted by or under the auspices of the United Nations and seminars, workshops and training events to be held by the Office. Specific examples of the impact are provided under subprogrammes 1, 3, 4, 5 and 6. The change in approach of planned deliverables and activities also had an impact on the expected results for 2020, as described in the programme performance under subprogrammes 1, 4 and 5.
- 8.21 At the same time, however, some planned deliverables and activities were modified and new activities were identified during 2020, within the overall scope of the objectives of the subprogrammes, in order to support Member States on issues related to the COVID-19 pandemic. Those modifications and new activities included analyses and advice to Member States and United Nations intergovernmental bodies, including the General Assembly and the Security Council, with regard to novel legal and procedural questions; support for Member States in the identification of solutions to ensure the business continuity of intergovernmental bodies during the pandemic, including considerable efforts undertaken to enable consultations through virtual platforms or by correspondence; comprehensive advice to United Nations Secretariat departments, other entities of the United Nations system and Member States to address the legal implications of hosting events at United Nations Headquarters and in connection to measures undertaken in response to the pandemic; the holding of events to engage with Member States in support of their responses to COVID-19; and recovery efforts and the provision of remote workshop and training materials to a wider audience. Specific examples of the new or modified activities are provided under subprogrammes 1, 2, 3, 4 and 5. The new or modified deliverables and activities contributed to results in 2020, as described in the programme performance under subprogrammes 1, 2, 3, 4 and 5.
- 8.22 Reflecting on the importance of continuous improvement and responding to the evolving needs of Member States, the Office of Legal Affairs will continue to mainstream lessons learned and best practices emerging from the adjustments and adaptation of its programme to the COVID-19 pandemic by continuing to explore alternatives to certain in-person capacity-building activities. This will be done taking into consideration the fact that, in view of the experience of and feedback from participants, some in-person capacity-building programmes cannot be replaced by activities conducted online, in particular the training programmes under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The circumstances created by COVID-19 restrictions did, however, lead to the development of certain interim measures, such as the preparation of a self-paced online learning curriculum, which was distributed to all applicants for the aforementioned training programmes. The Office will also continue to disseminate the self-paced curriculum widely as part of its build back better approach, including to future candidates whose applications have not been successful.

### Legislative mandates

- 8.23 The list below provides all mandates entrusted to the programme.

#### *Charter of the United Nations*

Article 13

Article 102

Article 98

#### *General Assembly resolutions*

13 (I)

Organization of the Secretariat

## Deliverables

8.24 Table 8.1 lists all cross-cutting deliverables, by category and subcategory, for the period 2020–2022.

Table 8.1

### Cross-cutting deliverables for the period 2020–2022, by category and subcategory

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>8</b>	<b>30</b>	<b>6</b>	<b>10</b>
1. Report and notes to the General Assembly	2	7	3	6
2. Report of the Committee on Relations with the Host Country	1	1	1	1
3. Letters to the Security Council	2	4	2	3
4. Documents for the intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction	3	18	–	–
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>7</b>	<b>10</b>	<b>7</b>	<b>12</b>
5. Meetings of the Advisory Committee on Administrative and Budgetary Questions	1	–	1	1
6. Meetings of the Committee for Programme and Coordination	1	1	1	1
7. Meetings of the Fifth Committee	1	1	1	1
8. Meetings of the Committee on Relations with the Host Country	2	3	2	5
9. Annual meeting of the legal advisers and legal liaison officers of the United Nations offices, funds and programmes, specialized agencies and related and other organizations, and field legal advisers and officers	2	5	2	4
<b>B. Generation and transfer of knowledge</b>				
<b>Seminars, workshops and training events</b> (number of days) <sup>a</sup>	<b>8</b>	<b>4</b>	<b>2</b>	<b>4</b>
10. Workshops on international law generally	2	4	2	4
<b>C. Substantive deliverables</b>				
<b>Consultation, advice and advocacy:</b> advice and legal opinions in the context of the participation of the Legal Counsel in the Senior Management Group, the Executive Committee and other ad hoc groups.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> speeches and presentations by the Legal Counsel to Member State representatives, international organizations and academic and civil society organizations regarding the work of the Office of Legal Affairs and issues of public international law, the law of the sea and international trade law; promotion and leadership of the annual treaty event during the opening plenary meeting of the General Assembly session; and events to promote international law in New York, including the American Bar Association Day and International Law Weekend.				
<b>E. Enabling deliverables</b>				
<b>Internal justice and oversight:</b> representation of the Secretary-General before the United Nations Appeals Tribunal and advice on administrative law of the Organization.				
<b>Legal services:</b> legal advice, opinions and services to all principal and subsidiary organs of the United Nations, as detailed in the subprogrammes, on privileges and immunities, public international law, humanitarian law, international human rights law and the amicable settlement of disputes; administrative law of the Organization; claims arising from operational activities of the Organization; procurement activities; and the Organization's accountability measures and the areas of oceans and law of the sea, treaty law and international trade law.				

<sup>a</sup> Deliverables 12–14 adopted in the programme budget for 2021 (see [A/75/6/Add.1](#), table 6.1) are reflected in the present report under subprogramme 3.



## **Evaluation activities**

- 8.25 The Office of Legal Affairs will continue to strengthen its monitoring and evaluation functions, mainly through its Evaluation and Strategic Planning Unit and the Evaluation Working Group established within the Office. The adoption of a new evaluation policy, new standard operating procedures and the participation as observer in the United Nations Evaluation Group will continue to strengthen evaluation efforts.
- 8.26 For 2022, the programme is planning to undertake a self-evaluation of the provision, under subprogramme 1, of legal support in the processes related to negotiation and conclusion of host country and other agreements concluded during the relevant reporting period, in line with its mandate, in particular the provision of legal advice on provisions relating to privileges and immunities in those agreements.

## **Programme of work**

### **Subprogramme 1**

#### **Provision of legal services to the United Nations system as a whole**

### **Objective**

- 8.27 The objective, to which this subprogramme contributes, is to ensure respect for, and adherence to, public international law, and the development of international justice and accountability.

### **Strategy**

- 8.28 To contribute to the objective, the subprogramme will provide legal advice on questions relating to the interpretation and application of the Charter, legal agreements and United Nations resolutions, rules and regulations, as well as on general questions of public international law, including international human rights law, international humanitarian law and international criminal law. The subprogramme will also provide advice to the United Nations and United Nations-assisted criminal tribunals and their oversight bodies, as well as to other international accountability mechanisms, including on their founding arrangements, statutes, terms of reference and rules of procedure, and on the functions of the Secretary-General thereunder.
- 8.29 The above-mentioned work is expected to result in:
- (a) A uniform and consistent practice of the law and, subsequently, in the effective functioning of the principal and subsidiary organs of the United Nations in accordance with international law;
  - (b) The protection of the privileges and immunities of the United Nations;
  - (c) The effective functioning of the United Nations and United Nations-assisted international criminal tribunals and other international accountability mechanisms and their oversight bodies;
  - (d) The appointment and reappointment of the principals of the United Nations and United Nations-assisted international criminal tribunals and other international accountability mechanisms;
  - (e) Cooperation with the International Criminal Court.

## Programme performance in 2020

- 8.30 Programme performance in 2020 includes the result below that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

### **Legal and procedural support for business continuity measures that enabled decision-making by intergovernmental bodies**

- 8.31 In order to address the unprecedented situation created by the COVID-19 pandemic, which prevented intergovernmental bodies from meeting in person, novel legal and procedural questions were addressed so that intergovernmental bodies might continue to conduct their business and make necessary decisions within the limitations posed by the pandemic. The subprogramme provided assistance to the President of the General Assembly, the President of the Economic and Social Council and chairs and bureaux of other intergovernmental bodies so that they might continue to exchange views, for example, through the holding of informal meetings on a virtual platform. Legal guidance on possible ways and methods to allow for the adoption of certain essential decisions and the holding of elections without an in-person meeting was provided, and various options were identified and put forward for further consideration. With respect to decision-making, the Assembly, the Economic and Social Council and the Security Council adopted procedures to allow for decisions to be adopted by correspondence. In the case of elections, where a secret ballot was needed, at the request of the President of the General Assembly, the Secretariat presented a non-paper entitled “Possible options for elections by the General Assembly without plenary meetings during the COVID-19 pandemic”. The Assembly adopted a procedure for holding elections by secret ballot without a plenary meeting during the pandemic (decision 74/557 of 29 May 2020). The subprogramme also advised on changes to certain procedures for the holding of elections by secret ballot during in-person meetings, consistent with the rules of procedure of the Assembly, such as changes to the distribution and casting of ballots, so that social distancing could be maintained at all times to minimize the spread of COVID-19.
- 8.32 The subprogramme was also involved in outlining possible options to allow for voting on draft resolutions and decisions by the General Assembly without a plenary meeting. The Secretariat was requested by the President of the General Assembly to prepare a non-paper on the matter. The document, entitled “Decision-making of the General Assembly by a vote (excluding elections) without a plenary meeting during the coronavirus disease (COVID-19) pandemic” was circulated by the President to Member States on 23 April 2020.

### *Progress towards the attainment of the objective, and performance measure*

- 8.33 The above-mentioned work contributed to the objective, as the support provided facilitated the ability of the General Assembly and the Economic and Social Council, and their subsidiaries, to adopt essential and time-sensitive resolutions and decisions, even when in-person meetings were not taking place owing to the pandemic. Exchange of views were generally undertaken in virtual meetings which were informal in nature. The work also contributed to the holding in June 2020, without a plenary meeting, of the elections of five non-permanent members of the Security Council, 18 members of the Economic and Social Council and the President of the General Assembly of the seventy-fifth session of the Assembly (see table 8.2).

Table 8.2  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)
—	—	Legal and procedural support for business continuity measures that enabled intergovernmental bodies to adopt essential and time-sensitive resolutions and decisions and the holding in June 2020, without a plenary meeting, of elections of five non-permanent members of the Security Council, 18 members of the Economic and Social Council and the President of the General Assembly of the seventy-fifth session of the Assembly

### Impact of COVID-19 on subprogramme delivery

- 8.34 Owing to the impact of COVID-19 during 2020, the subprogramme supported United Nations intergovernmental bodies, through the presiding officers, on issues related to COVID-19. The subprogramme responded to new types of requests for legal and procedural support from various United Nations intergovernmental bodies, including the General Assembly and the Economic and Social Council, to address the unprecedented situation created by the COVID-19 pandemic, which prevented the intergovernmental bodies from meeting in person, and in relation to ensuring business continuity during the pandemic. This involved addressing, analysing and advising on novel legal and procedural questions and supporting Member States in identifying a way forward so that critical business might continue, including through the holding of virtual meetings and the identification of possible alternative methods of decision-making. Field missions were cancelled, including a mission to Cambodia for the negotiation of an agreement on the residual functions of the Extraordinary Chambers in the Courts of Cambodia, a meeting of the Management Committee of the Special Tribunal for Lebanon in The Hague and a meeting of field legal advisers of peace operations, while others were held virtually, necessitating more preparatory work, written exchanges and virtual meetings to achieve a similar result.
- 8.35 The subprogramme also provided further support on issues related to COVID-19, within the overall scope of its objectives, in the form of comprehensive legal advice to the various departments of the United Nations Secretariat, to other United Nations system entities and to Member States to address the legal implications of the pandemic with respect to the hosting of United Nations events and large international conferences and forums. This included the provision of legal advice on privileges and immunities and related issues with regard to measures taken in response to the pandemic and medical evacuation arrangements. Various modifications to the standard provisions of host country agreements were developed to mitigate the legal risks and implications of events scheduled for 2021 and 2022. The new deliverables contributed to results in 2020, as specified in the emerging result for 2020 above.

### Planned results for 2022

- 8.36 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

### Result 1: creating the authorizing environment for the reinvigorated resident coordinator system<sup>1</sup>

#### Programme performance in 2020

- 8.37 The subprogramme continued extensive work related to the negotiation and conclusion of host country agreements for the new resident coordinator offices, in line with its mandate.
- 8.38 The above-mentioned work contributed to the conclusion of 59 host country agreements, which did not meet the planned target of the signing of all 149 host country agreements reflected in the programme budget for 2020. The COVID-19 pandemic, which has had a severe impact on most host countries, appears to have been a major contributing factor in that regard.

#### Proposed programme plan for 2022

- 8.39 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will continue to liaise and negotiate with host countries to ensure that the necessary legal framework is in place for resident coordinators. The expected progress is presented in the performance measure below (see table 8.3).

Table 8.3  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned) <sup>a</sup>	2022 (planned)
Absence of host country agreements for reinvigorated resident coordinator system	Negotiation and conclusion of host country agreements	Further negotiation and conclusion of 59 host country agreements	Signing of all host country agreements that were not finalized in 2020	Negotiation and conclusion of additional host country agreements

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

### Result 2: host country agreement for the Fifth United Nations Conference on the Least Developed Countries<sup>2</sup>

#### Programme performance in 2020

- 8.40 As a result of the postponement of the Fifth United Nations Conference on the Least Developed Countries, substantive negotiations on the host country agreement were not undertaken in 2020 and are expected to take place in 2021. A virtual planning mission took place from 23 to 25 November 2020.
- 8.41 The work of the subprogramme did not meet the planned target of the Government of Qatar and the subprogramme agreeing on the legal provisions of the host country agreement for the holding of the Fifth United Nations Conference on the Least Developed Countries, reflected in the programme budget for 2021. The Conference was postponed owing to the COVID-19 pandemic and, by its resolution 74/232 B, the General Assembly decided to reschedule it and to hold it from 23 to 27 January 2022.

#### Proposed programme plan for 2022

- 8.42 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective and in response to recent developments, the

<sup>1</sup> As reflected in the programme budget for 2020 (A/74/6/Add.1).

<sup>2</sup> As reflected in the programme budget for 2021 (A/75/6/Add.1).

subprogramme will assist with the drafting and negotiations of the host country agreement for the Fifth United Nations Conference on the Least Developed Countries and with legal and procedural matters arising before and during the Conference, including servicing of the Credentials Committee of the Conference during the Conference. The subprogramme will also assist, as needed, in the meeting of its intergovernmental preparatory committee. The subprogramme will also continue to assist substantive offices in the drafting and negotiations of host country agreements, including for other large-scale conferences away from Headquarters, in accordance with the subprogramme's mandate and legal requirements for the conclusion of such host country agreements. The expected progress is presented in the updated performance measure below (see table 8.4).

Table 8.4

**Performance measure**

<i>2018 (actual)</i>	<i>2019 (actual)</i>	<i>2020 (actual)</i>	<i>2021 (planned)<sup>a</sup></i>	<i>2022 (planned)</i>
—	General Assembly decides to hold the Fifth United Nations Conference on the Least Developed Countries in Doha from 21 to 25 March 2021	Negotiations on and planning of the Fifth United Nations Conference on the Least Developed Countries in Doha with host country, despite challenges caused by COVID-19	Signature of the host country agreement allowing for full participation by all participants in the Fifth United Nations Conference on the Least Developed Countries in Doha	Fifth United Nations Conference on the Least Developed Countries is held in Doha from 23 to 27 January 2022 Member States hosting of other large-scale conferences away from Headquarters based on host country agreements negotiated

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

**Result 3: conclusion of a framework for the completion of the work of the Extraordinary Chambers in the Courts of Cambodia, including with regard to the drawdown of activities and the residual functions requiring performance**

**Proposed programme plan for 2022**

- 8.43 In a letter to the Secretary-General dated 21 September 2018, the Steering Committee for the United Nations Assistance to the Khmer Rouge Trials requested the Secretariat to undertake consultations with the Extraordinary Chambers in the Courts of Cambodia and the Government of Cambodia in order to begin developing a framework for the completion of the work of the Extraordinary Chambers and identify residual functions, if any, that would need to be performed following the completion of its mandate, and to submit its report by 30 June 2019. The General Assembly made a similar request to the Secretary-General in its resolution [73/279](#) A of 22 December 2018, and reiterated it in its resolution [74/263](#) of 27 December 2019. In its resolution [75/257](#) of 31 December 2020, the Assembly requested the Secretary-General to continue consultations with the Government of Cambodia in order to finalize, for consideration by the Assembly, a proposed framework for the completion of the work of the Extraordinary Chambers, including with regard to the drawdown of activities and the residual functions requiring performance. The subprogramme undertook the requested consultations and provided its report to the Steering Committee on 28 June 2019. Subsequently, the subprogramme

held working-level discussions with the Government of Cambodia on the identified possible residual functions and the necessary transitional arrangements proposed in the report.

*Lessons learned and planned change*

- 8.44 The lesson for the subprogramme was that there was a strong demand to continue consultations and finalize the framework for the completion of the work of the Extraordinary Chambers in the Courts of Cambodia virtually, as the situation created by the COVID-19 pandemic limited the possibility of conducting an in-person mission to Cambodia. In applying the lesson, the subprogramme will continue to schedule and hold its consultations virtually, where possible and appropriate.

*Expected progress towards the attainment of the objective, and performance measure*

- 8.45 This work is expected to contribute to the objective, as demonstrated by the conclusion of the framework for the completion of the work of the Extraordinary Chambers in the Courts of Cambodia, including with regard to the drawdown of activities and the residual functions requiring performance, in the format of an addendum and other supplementary arrangements (see table 8.5).

Table 8.5  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
Adoption of General Assembly resolution <a href="#">73/279</a> A of 22 December 2018, in which the Assembly requested the Secretary-General to undertake consultations with the Extraordinary Chambers in the Courts of Cambodia and the Government of Cambodia, in order to begin developing a framework for the completion of the work of the Extraordinary Chambers, and to identify residual functions, if any	<p>Progress on consultations with the Government of Cambodia is reported to Member States (<a href="#">A/74/359</a>, para. 27)</p> <p>The Steering Committee of the United Nations Assistance to the Khmer Rouge Trials receives a report on the consultations undertaken</p> <p>Adoption of General Assembly resolution <a href="#">74/263</a> of 27 December 2019, in which the Assembly noted the steps taken by the Secretary-General to develop a framework for the completion of the work of the Extraordinary Chambers and the identification of possible residual</p>	<p>Identification by the Government of Cambodia and the United Nations of possible residual functions and necessary transitional arrangements for the Extraordinary Chambers</p> <p>Adoption of General Assembly resolution <a href="#">75/257</a> of 31 December 2020, in which the Assembly requested the Secretary-General to continue consultations with the Government of Cambodia in order to finalize, for consideration by the Assembly, a proposed framework for the completion of the work of the Extraordinary Chambers</p>	The General Assembly approves a framework for the completion of the work of the Extraordinary Chambers, and a draft addendum to the 2003 Agreement	<p>Conclusion of the framework for the completion of the work of the Extraordinary Chambers</p> <p>Implementation of the addendum, including through the conclusion of supplementary arrangements</p>

## Section 8 Legal affairs

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
	functions, and requested the Secretary-General to expedite the finalization of the framework			

### Legislative mandates

8.46 The list below provides all mandates entrusted to the subprogramme.

#### *Charter of the United Nations*

Article 104

Article 105

#### *General Assembly resolutions*

22 (I)	Privileges and immunities of the United Nations	2819 (XXVI)	Security of missions accredited to the United Nations and safety of their personnel and establishment of the Committee on Relations with the Host Country
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### Deliverables

8.47 Table 8.6 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.6

#### **Subprogramme 1: deliverables for the period 2020–2022, by category and subcategory**

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>11</b>	<b>16</b>	<b>7</b>	<b>13</b>
1. Report and notes to the General Assembly	2	7	3	6
2. Report of the Credentials Committee	1	1	1	1
3. Report of the Committee on Relations with the Host Country	1	1	1	1
4. Reports of the Credentials Committee on United Nations conferences	2	–	2	2
5. Reports concerning the election of judges of the International Court of Justice	3	3	–	–
6. Letters to the Security Council	2	4	–	3
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>85</b>	<b>44</b>	<b>76</b>	<b>89</b>
7. Meetings of the General Assembly and its committees	25	23	26	25
8. Meetings of the Credentials Committee of the General Assembly	1	1	1	1
9. Meetings of the Security Council and its subsidiary bodies	9	4	2	11
10. Meetings of the Economic and Social Council and its commissions	10	3	10	15
11. United Nations conferences and meetings of United Nations treaty bodies	30	10	30	30
12. Meetings of the Credentials Committee on United Nations conferences	3	–	2	2
13. Meetings of the Committee on Relations with the Host Country	5	3	5	5

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
14. Meetings of the panels of experts of the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice	2	—	—	—
<b>B. Generation and transfer of knowledge</b>				
<b>Seminars, workshops and training events</b> (number of days)	<b>19</b>	<b>14</b>	<b>20</b>	<b>16</b>
15. Workshops on international law matters	2	4	4	4
16. Training events on United Nations rules of procedure	7	3	5	5
17. Training events on peacekeeping matters	3	—	4	—
18. Annual meeting of the legal advisers and legal liaison officers of the United Nations offices, funds and programmes, specialized agencies and related and other organizations and field legal advisers and officers	7	7	7	7
<b>C. Substantive deliverables</b>				
<b>Consultation, advice and advocacy:</b> legal advice to and consultation with the General Assembly, the Security Council and the Main Committees of the Assembly on constitutional, institutional and procedural questions; legal advice to and consultation with the six United Nations funds and programmes on privileges and immunities; legal advice to and consultation with three United Nations-assisted international criminal tribunals and their oversight bodies; consultation with the 15 specialized agencies of the United Nations system on legal issues; and consultation with the International Criminal Court on cooperation matters.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> speeches and presentations by the Legal Counsel to Member State representatives, international organizations and academic and civil society organizations regarding the work of the Office of Legal Affairs and issues of public international law; and events to promote international law in New York, including those of the American Bar Association.				
<b>E. Enabling deliverables</b>				
<b>Legal services:</b> legal advice to and support for the Secretariat and the funds and programmes on privileges and immunities and public international law, including humanitarian law, international human rights law and the pacific settlement of disputes; legal advice to and support for one United Nations criminal tribunal and its oversight body and other international accountability mechanism; legal advice to and support for approximately 12 peacekeeping and 38 special political missions; liaison with the International Court of Justice and fulfilment of the responsibilities of the Secretary-General under the Statute of the Court; legal advice to and support for four Secretariat offices and four other entities and bodies on disarmament, sanctions and security; legal advice to 18 United Nations entities on the interpretation and enforcement of the Relationship Agreement between the United Nations and the International Criminal Court.				

## Subprogramme 2

### General legal services provided to United Nations organs and programmes

#### Objective

- 8.48 The objective, to which this subprogramme contributes, is to maximize the protection of the legal interests of the Organization and to minimize its legal liabilities.

#### Strategy

- 8.49 To contribute to the objective, the subprogramme will advise on accountability measures, including on internal sanctions and external enforcement action and liaison with national authorities. It will advise on the legal aspects arising from United Nations operational activities, including its peacekeeping, humanitarian and other missions. It will also represent the Secretary-General and advise on matters in the system for the administration of justice of the Organization and on administrative and management issues. It will assist the Organization, its organs or its separately administered funds and programmes by providing legal advice on procurement and substantive contracts and on operational and technical assistance activities of those entities.



- 8.50 The subprogramme will also provide legal services for resolving disputes of a private law character involving the operations of the Organization, its organs or its funds and programmes and represent the Secretary-General before the United Nations Appeals Tribunal in cases involving those entities.
- 8.51 The subprogramme plans to support the Organization and its principal and subsidiary organs on issues related to COVID-19 by responding to requests for urgent legal advice arising from the COVID-19 pandemic.
- 8.52 The above-mentioned work is expected to result in:
- (a) The full maintenance of the status, legal rights and privileges and immunities of the Organization;
  - (b) The reduction of actual legal liability of the Organization.

### Programme performance in 2020

- 8.53 Programme performance in 2020 includes the result below that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

#### Continuity of business operations during the COVID-19 pandemic through timely legal and business-critical legal support

- 8.54 The subprogramme is part of the Organization's central legal service, which provides legal services to all principal and subsidiary organs of the United Nations, including United Nations offices and departments, peacekeeping and special political missions, funds and programmes and regional commissions. The subprogramme has undertaken new activities on issues related to COVID-19, within the overall scope of its objective. The subprogramme provided critical and timely legal advice to address the unique needs created by the pandemic. This included advising on the legal aspects of business continuity, such as support for medical evacuation and strengthening testing and treatment response capacities worldwide. Additional services were provided to ensure the availability of accurate and targeted information about the pandemic and public health measures and to support the Organization's humanitarian response to the pandemic.

#### *Progress towards the attainment of the objective, and performance measure*

- 8.55 The above-mentioned work contributed to the objective, as demonstrated by the business continuity of the Organization, despite the operational impact of the pandemic on the Organization (see table 8.7).

Table 8.7  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)
—	—	Business continuity of the Organization, despite the operational impact of the COVID-19 pandemic on the Organization

### Planned results for 2022

- 8.56 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

**Result 1: reduction of actual legal liability of other claims<sup>3</sup>****Programme performance in 2020**

- 8.57 The subprogramme developed a suite of model *de minimis* contracts for use by managers conducting procurement of low-value, low-risk requirements. These model contracts provide managers with simplified documents to contract with vendors effectively and efficiently, while maximizing the protection of the legal interests of the Organization and minimizing its legal liabilities.
- 8.58 The above-mentioned work contributed to the use of model contracts for *de minimis* requirements of goods and services by managers, who also provided feedback on those models, and subsequently assisted in reducing the legal liabilities of the Organization, which met the planned target of model contracts for *de minimis* requirements of goods and services used by managers and of feedback received, reflected in the programme budget for 2020.

**Proposed programme plan for 2022**

- 8.59 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will include the development of new model contracts with a view to maximizing the protection of the legal interests of the Organization and minimizing its legal liabilities. The expected progress is presented in the performance measure below (see table 8.8).

Table 8.8  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned) <sup>a</sup>	2022 (planned)
Absence of model contracts for <i>de minimis</i> requirements of goods and services	Development of model contracts for <i>de minimis</i> requirements of goods and services in consultation with managers	Model contracts for <i>de minimis</i> requirements of goods and services used by managers and feedback received	Strengthened contracts following revisions made on the basis of experience gained from the use of such model contracts	Managers have access to new model contracts that will maximize the protection of the legal interests of the Organization and minimize its legal liabilities

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

**Result 2: continued reduction of actual legal liability of the Organization<sup>4</sup>****Programme performance in 2020**

- 8.60 The subprogramme provided legal services for resolving disputes of a private law character involving the operations of the Organization, its subsidiary bodies and organs. Furthermore, the subprogramme provided timely and effective legal advocacy and support for these entities. This work included reviewing and providing comments or advice, written and oral, and negotiating with claimants and their lawyers on contractual and other private law claims. When required, the subprogramme represented the Organization in arbitral proceedings to resolve claims in a manner that minimized the Organization's legal liabilities.
- 8.61 The above-mentioned work contributed to resolving mainly commercial disputes of a private law character involving the operations of the Organization, which originally totalled an aggregate amount of \$76,292,539, for \$26,862,639, thereby resulting in actual liability of 35 per cent of the

<sup>3</sup> As reflected in the programme budget for 2020 (A/74/6/Add.1).

<sup>4</sup> As reflected in the programme budget for 2021 (A/75/6/Add.1).

amounts originally claimed, which met the planned target of actual legal liability being no more than 35 per cent of original amounts claimed, reflected in the programme budget for 2021. In addition, successful appeals by the subprogramme to the United Nations Appeals Tribunal resulted in a reduction by \$78,910 of compensations awarded by the United Nations Dispute Tribunal.

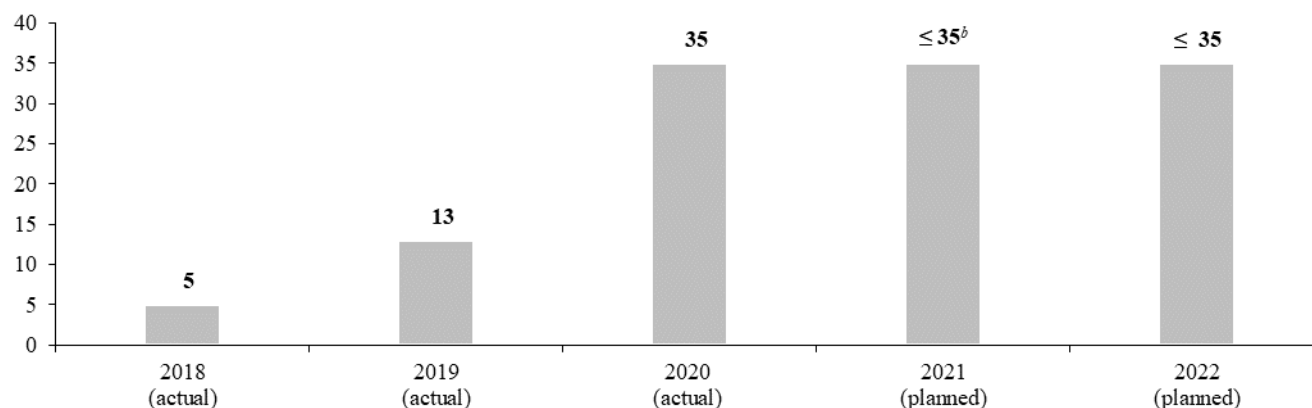
### Proposed programme plan for 2022

- 8.62 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will continue to provide timely and effective legal advocacy and support to the above-mentioned entities, including negotiating with claimants and their lawyers and representing the Organization in arbitral proceedings to resolve claims in a manner that minimizes the Organization's legal liabilities. The expected progress is presented in the performance measure below (see figure 8.I).

Figure 8.I

**Performance measure: actual legal liability of the Organization against amounts originally claimed against the Organization<sup>a</sup>**

(Percentage)



<sup>a</sup> Only claims resolved in any given calendar year by way of settlement negotiations, arbitral proceedings and closure owing to claimants not pursuing further their claims against the Organization are included.

<sup>b</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

### Result 3: improved efficiency in finalizing partnership agreements

#### Proposed programme plan for 2022

- 8.63 The subprogramme has been assisting Secretariat units and offices at and away from Headquarters and in funds and programmes, regional commissions and other subsidiary organs in the drafting, negotiation and review of various partnership agreements with Member States, civil society and the private sector, in support of Sustainable Development Goal 17 (Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development).

#### *Lessons learned and planned change*

- 8.64 The lesson for the subprogramme was that often similar questions and concerns arise when concluding such partnerships. In applying the lesson, the subprogramme will develop guidance materials on the legal aspects of entering into partnerships with Member States, civil society and the private sector entities, which would address certain legal issues common to all substantive offices, such as the manner in which the United Nations name and emblem ought to be used and other intellectual property rights issues, as well as liability and financial arrangements.

*Expected progress towards the attainment of the objective, and performance measure*

- 8.65 This work is expected to contribute to the objective of finalizing partnership agreements in a timely manner by making guidance materials on common legal issues available to maximize the protection of the legal interests of the Organization and minimize its legal liabilities (see table 8.9).

Table 8.9

**Performance measure**

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
—	—	—	Pilot guidance materials on select common legal issues available to all substantive offices	Increased access to guidance materials on legal issues common to partnership agreements

**Legislative mandates**

- 8.66 The list below provides all mandates entrusted to the subprogramme.

*Charter of the United Nations*

Article 104

Article 105

*General Assembly resolutions*

22 (I)	Privileges and immunities of the United Nations	70/112	Administration of justice at the United Nations
62/63	Criminal accountability of United Nations officials and experts on mission		

**Deliverables**

- 8.67 Table 8.10 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.10

**Subprogramme 2: deliverables for the period 2020–2022, by category and subcategory**

*Category and subcategory*

**E. Enabling deliverables**

**Internal justice and oversight:** legal services to all principal and subsidiary organs of the United Nations, including to all United Nations offices and departments, all peacekeeping and special political missions, all regional commissions and all funds and programmes, consisting of representing the Secretary-General before the United Nations Appeals Tribunal; advice on administrative law of the Organization; representing the Organization before arbitral tribunals and advice on claims arising from the operational activities of the Organization; advice on procurement activities and the preparation and negotiation of substantial contracts for the acquisition of goods or services for United Nations operations; advice on the Organization's accountability measures in relation to internal sanctions and external enforcement actions against United Nations officials, experts on mission and third parties for fraud, corruption and other wrongdoing; advice on development, technical and humanitarian assistance activities, including partnerships with the private sector; and advice to all peacekeeping and special political missions on logistical and other support arrangements with Governments, other international organizations, partners and United Nations entities, including on the establishment of boards of inquiry, participation in peacekeeping-related standing committees and training, and the development of policies, reports, framework agreements, guidelines and standard operating procedures.

### **Subprogramme 3**

#### **Progressive development and codification of international law**

#### **Objective**

- 8.68 The objective, to which this subprogramme contributes, is to develop, codify and advance knowledge of international law progressively.

#### **Strategy**

- 8.69 To contribute to the objective, the subprogramme will continue to provide substantive support to the Sixth Committee, the International Law Commission, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, other special or ad hoc committees and diplomatic conferences in their consideration and formulation of legal instruments, by assisting in the conduct of proceedings, rendering legal advice, preparing draft texts of legal instruments, resolutions and decisions and preparing background documents, analytical studies and reports. The subprogramme will continue to provide legal bodies of the General Assembly with assistance when considering the use by States of the procedures envisaged under the relevant resolutions of the Assembly.
- 8.70 The subprogramme will also continue to implement the mandates of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, established by the General Assembly. This includes the planning, organization and conduct of four in-person training programmes, namely, the International Law Fellowship Programme and the United Nations Regional Courses in International Law for Africa, for Latin America and the Caribbean and for Asia-Pacific; the further development, dissemination and maintenance of the Audiovisual Library of International Law, a virtual training and research centre accessible free of charge on the Internet; and the preparation and dissemination of major legal publications and of information on the legal work of the United Nations.
- 8.71 The subprogramme plans to support Member States by assisting the bureaux of the bodies that the subprogramme services in devising and implementing working methods and work programmes that ensure business continuity.
- 8.72 The above-mentioned work is expected to result in:
- (a) The smooth deliberations of legislative and legal bodies, the conclusion of draft legal instruments and the promotion of universal respect for international law;
  - (b) The wider appreciation of international law and an increased number of individuals trained to gain an understanding of it;
  - (c) The International Law Commission advancing its study on sea level rise in relation to international law

#### **Programme performance in 2020**

- 8.73 Programme performance in 2020 includes the result below that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

#### **Safeguarded deliberations of the Sixth Committee during restrictions to in-person meeting resulting from the COVID-19 pandemic**

- 8.74 The subprogramme serves as the secretariat of the Sixth Committee of the General Assembly, which traditionally holds its annual session in October and November. In 2020, there was a significant risk that constraints on the holding of meetings at United Nations Headquarters as a consequence of the

COVID-19 pandemic might affect the ability of the Sixth Committee to hold and conclude its annual session. The subprogramme supported the Bureau of the Committee in devising and implementing a work programme designed to ensure business continuity while taking into account the concerns and preferences of delegations. In several instances, this involved implementing new working methods, on an exceptional basis, as well as relying on information and communications technology.

*Progress towards the attainment of the objective, and performance measure*

- 8.75 The above-mentioned work contributed to the objective, as demonstrated by the conclusion of the consideration of all agenda items allocated to the Sixth Committee despite ongoing constraints on the convening of in-person meetings arising as a consequence of the sanitary and health-related measures implemented in the light of the COVID-19 pandemic (see table 8.11).

Table 8.11  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)
Concluded consideration of all agenda items allocated to the Sixth Committee under normal working conditions	Concluded consideration of all agenda items allocated to the Sixth Committee under normal working conditions	Concluded consideration of all agenda items allocated to the Sixth Committee despite ongoing restrictions resulting from the COVID-19 pandemic

**Impact of COVID-19 on subprogramme delivery**

- 8.76 Owing to the impact of COVID-19 during 2020, the subprogramme had to cancel certain activities under the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, namely, the in-person training programmes. In exploring alternatives to in-person programmes, the lack of Internet connectivity for certain beneficiaries, the multiple time zones to accommodate and the few hours that could be used for training raised significant challenges. Twelve lecture recordings of the Audiovisual Library of International Law were cancelled in New York owing to COVID-19, as well as an off-site recording session. The Library team was unable to upload new content on the Library website as it did not have access to the remote server for several months for cybersecurity reasons. Likewise, the subprogramme was affected by the postponement of the 2020 session of the International Law Commission resulting from the impact of COVID-19. The subprogramme identified modified activities to provide some form of capacity-building until the in-person programmes could safely resume. For example, applicants to the cancelled training programmes were provided with a self-paced remote learning curriculum developed by the subprogramme as an interim means of capacity-building. Such modified activities confirmed that the in-person format could not be replaced. The importance of exchanges taking place during the training programmes was underscored by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law at its fifty-fifth session, on 9 October 2020.

**Planned results for 2022**

- 8.77 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

**Result 1: reaching a wider audience interested in international law<sup>5</sup>****Programme performance in 2020**

- 8.78 The subprogramme continued the work related to the teaching, dissemination and wider appreciation of international law, in line with its mandate, and undertook initiatives to help audiences to increase their access to and knowledge of core topics of international law.
- 8.79 The above-mentioned work contributed to increased accessibility to and knowledge of international law by a wider audience of beneficiaries, which met the planned target of the use of miniseries of lectures addressing core topics of international law in video and podcast format, reflected in the programme budget for 2020. Miniseries on topics of international law, such as “Diplomatic and consular relations”, “International human rights law” and “Law of State responsibility”, were added to the Audiovisual Library of International Law in 2020 in both video and audio formats.

**Proposed programme plan for 2022**

- 8.80 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will support teaching, dissemination and wider appreciation of international law through the continued expansion of the miniseries, thereby contributing to further increased accessibility and knowledge of international law. The expected progress is presented in the performance measure below (see table 8.12).

Table 8.12  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned) <sup>a</sup>	2022 (planned)
Absence on the website of the Audiovisual Library of International Law of easily accessible modules on introductory international law topics for users with limited knowledge	Development and production of miniseries of lectures addressing core topics of international law	Use of miniseries of lectures addressing core topics of international law in video and podcast format, contributing to increased accessibility and knowledge of international law by a wider audience	Expansion of the miniseries of lectures on core topics of international law in terms of the subject matter addressed, thereby contributing to further increased accessibility and knowledge of international law	Expansion of the miniseries of lectures on core topics of international law in terms of the subject matter addressed, thereby contributing to further increased accessibility and knowledge of international law

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

**Result 2: information relating to international law accessed by more than half a million people<sup>6</sup>****Programme performance in 2020**

- 8.81 The subprogramme has a mandate to disseminate information relating to international law, in particular the activities of the legal bodies serviced by it. This is undertaken through the preparation of a number of publications, issued in hard copy, including the *United Nations Juridical Yearbook*, the *United Nations Legislative Series*, the *Reports of International Arbitral Awards*, the *Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice*, the *Yearbook*

<sup>5</sup> As reflected in the programme budget for 2020 (A/74/6/Add.1).

<sup>6</sup> As reflected in the programme budget for 2021 (A/75/6/Add.1).

of the International Law Commission, *The Work of the International Law Commission*, the *Repertory of Practice of United Nations Organs* and the official records of various diplomatic conferences of plenipotentiaries convoked by the General Assembly to negotiate multilateral treaties.

- 8.82 The activities of the subprogramme in the dissemination of information related to international law have also moved online through the establishment and expansion of more than 20 websites. In addition to the Audiovisual Library of International Law, the subprogramme maintained dedicated websites for the publications listed above and for all of the legal bodies for which it serves as the secretariat, including the Sixth Committee, the International Law Commission and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. While the websites are intended primarily for use by Member States and entities of the United Nations system, they also provide the general public, in particular academia, with information on the activities of the Organization in the progressive development and codification of international law. All the websites contain extensive information and were designed as research tools by including, for example, full-text search capability and links to documents in all official languages of the United Nations (to the extent available). By providing anyone with Internet access the ability to research the work of the legal bodies of the United Nations, the subprogramme seeks to enhance accessibility to information about, and knowledge of, international law.
- 8.83 The above-mentioned work contributed to attaining the objective of advancing knowledge of international law, as evidenced by 638,000 individual website end users, which exceeded the planned target of 590,000 individual website end users, reflected in the programme budget for 2021.

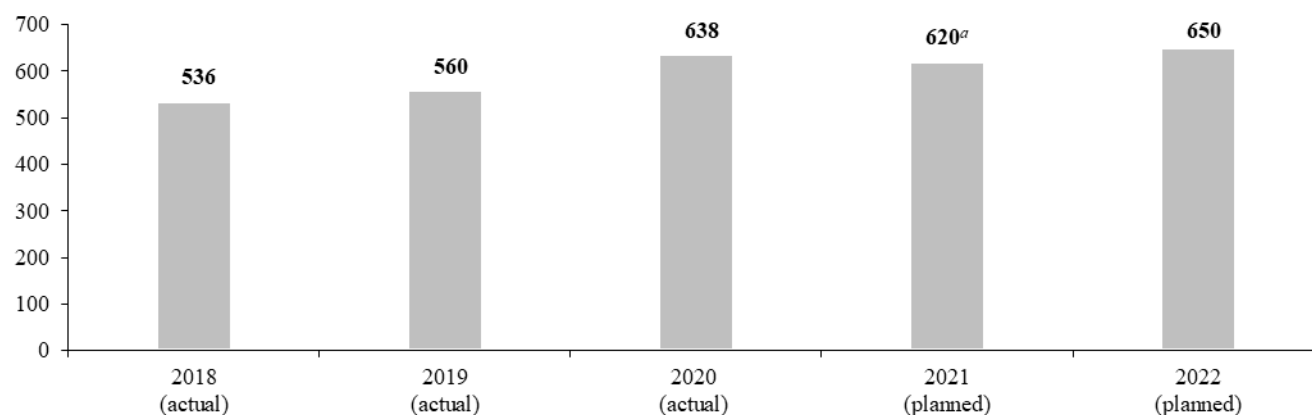
#### Proposed programme plan for 2022

- 8.84 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will continue to maintain and expand its various websites with the goal of continuing to increase the number of individual end users. The expected progress is presented in the performance measure below (see figure 8.II).

Figure 8.II

#### Performance measure: number of individual end users of websites (annual)

(Thousands of users)



<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.



### Result 3: advancement of the International Law Commission's study on sea level rise in relation to international law

#### Proposed programme plan for 2022

- 8.85 In line with its mandate to support the progressive development of international law and its codification, the subprogramme will assist the International Law Commission with advancing knowledge and understanding of the possible legal effects of sea level rise under international law, which is critical to global efforts to combat this aspect of climate change and to mitigate its consequences, in particular for small island developing States and States with low-lying coastal areas. The subprogramme has provided the Co-Chairs of the International Law Commission Study Group with research material and assistance relevant to consideration of the possible legal effects on the baselines of States, the outer limits of their maritime spaces measured from the baselines and their maritime boundaries.

#### *Lessons learned and planned change*

- 8.86 The lesson for the subprogramme was the need to enhance its internal expertise on the complex implications of sea level rise for international law. In applying that lesson, the subprogramme will continue to strengthen its substantive knowledge of the applicable legal and policy questions, in particular those applicable to rules under international law concerning statehood and the protection of persons. In doing so, the subprogramme will provide further research material and assistance to the Co-Chairs of the International Law Commission Study Group, in line with its mandate. This will enable the Group to advance its study in 2022 to cover also issues related to statehood, which may emerge as a consequence of sea level rise, and the protection of persons displaced by sea level rise.

#### *Expected progress towards the attainment of the objective, and performance measure*

- 8.87 This work is expected to contribute to the objective, as demonstrated by the advancement in the International Law Commission's study of issues related to statehood, which may emerge as a consequence of sea level rise, and the protection of persons displaced by sea level rise (see table 8.13).

Table 8.13

#### Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
—	—	Co-Chairs of the International Law Commission Study Group have access to research material for consideration of the possible protection of persons	Identification by the International Law Commission of focus areas on implications of sea level rise	Advancement in the International Law Commission's study of issues related to statehood and the protection of persons displaced by sea level rise

### Legislative mandates

- 8.88 The list provides all mandates entrusted to the subprogramme.

General Assembly resolutions

174 (II)	Establishment of an International Law Commission	75/134	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
487 (V)	Ways and means for making the evidence of customary international law more readily available	75/135	Report of the International Law Commission on the work of its seventy-second session
987 (X)	Publication of the documents of the International Law Commission	75/136	Crimes against humanity
2099 (XX)	Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law	75/137	Expulsion of aliens
3006 (XXVII)	<i>United Nations Juridical Yearbook</i>	75/138	Status of the Protocols Additional to the Geneva Convention of 1949 and relating to the protection of victims of armed conflicts
73/209	Protection of persons in the event of disasters	75/139	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives
73/276	Administration of justice at the United Nations		
74/180	Responsibility of States for internationally wrongful acts	75/140	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
74/188	Diplomatic protection		
74/189	Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm	75/141	The rule of law at the national and international levels
		75/142	The scope and application of the principle of universal jurisdiction
74/193	The law of transboundary aquifers		
75/132	Criminal accountability of United Nations officials and experts on mission	75/143	Responsibility of international organizations
		75/144	Strengthening and promoting the international treaty framework
75/133	Report of the United Nations Commission on International Trade Law on the work of its fifty-third session	75/145	Measures to eliminate international terrorism
		75/146	Report of the Committee on Relations with the Host Country

## Deliverables

8.89 Table 8.14 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.14

**Subprogramme 3: deliverables for the period 2020–2022, by category and subcategory**

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>17</b>	<b>14</b>	<b>14</b>	<b>17</b>
1. Reports on items before the Sixth Committee of the General Assembly, including on measures to eliminate international terrorism, on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and on criminal accountability of United Nations officials and experts on mission	17	14	14	17
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>138</b>	<b>32</b>	<b>138</b>	<b>147</b>
2. Meetings of the Sixth Committee	40	26	40	40
3. Meetings of the International Law Commission	86	–	87	96
4. Meetings of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	2	1	2	1

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
5. Meetings of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization	8	5	7	8
6. Meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996	2	–	2	2
<b>B. Generation and transfer of knowledge</b>				
<b>Seminars, workshops and training events</b> (number of days)	<b>88</b>	<b>20</b>	<b>88</b>	<b>88</b>
7. International Law Fellowship Programme	30	–	30	30
8. United Nations Regional Course in International Law for Africa	20	20	20	20
9. United Nations Regional Course in International Law for Asia-Pacific	19	–	19	19
10. United Nations Regional Course in International Law for Latin America and the Caribbean	19	–	19	19
<b>Publications</b> (number of publications)	<b>11</b>	<b>8</b>	<b>8</b>	<b>8</b>
11. <i>Repertory of Practice of United Nations Organs</i>	2	–	–	1
12. <i>United Nations Legislative Series</i>	1	–	–	–
13. <i>Yearbook of the International Law Commission</i>	5	5	5	5
14. <i>United Nations Juridical Yearbook</i>	2	1	1	1
15. <i>United Nations Juridical Yearbook: special edition</i>	–	–	1	–
16. <i>Reports of International Arbitral Awards</i>	1	1	1	1
17. Publication on the commemoration of the seventieth anniversary of the International Law Commission	–	1	–	–
<b>Technical materials</b> (number of materials)	<b>25</b>	<b>56</b>	<b>25</b>	<b>25</b>
18. Entries in the United Nations Audiovisual Library of International Law, including lectures	25	56	25	25
<b>C. Substantive deliverables</b>				
<b>Consultation, advice and advocacy:</b> advice to intergovernmental and expert bodies, including the Sixth Committee and the International Law Commission; provision of technical expertise to the Special Rapporteurs of the International Law Commission, including in relation to reports to the Commission.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> lectures, briefings and technical assistance, upon request, on public international law.				
<b>Digital platforms and multimedia content:</b> websites, including those pertaining to the Sixth Committee, the International Law Commission, the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and the publications prepared by the subprogramme; development, updates and maintenance of the online Audiovisual Library of International Law, which provides high-quality training to an unlimited number of individuals and institutions around the world.				

## Subprogramme 4 Law of the sea and ocean affairs

### Objective

- 8.90 The objective, to which this subprogramme contributes, is to strengthen the law of the sea for the peaceful use of the oceans and for their conservation and sustainable use, and as the basis for national, regional and global action and cooperation in the marine sector.

## Strategy

- 8.91 To contribute to the objective, the subprogramme will continue to provide expert advice to States and international organizations on the law of the sea and ocean affairs, in particular with respect to the United Nations Convention on the Law of the Sea of 1982, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995 and the work of the General Assembly on oceans and the law of the sea and sustainable fisheries.
- 8.92 The subprogramme will continue to support, in particular, sustainable fisheries-related cooperative activities among States and other entities. The subprogramme will also continue to provide services to the Commission on the Limits of the Continental Shelf. The subprogramme will carry out expanded capacity-building activities (fellowships, training courses, workshops) in collaboration with relevant stakeholders.
- 8.93 The above-mentioned work is expected to result in:
- (a) The effective implementation by States of those instruments and an increased number of States parties to the Convention and its implementing agreements;
  - (b) Enhanced cooperation and coordination among stakeholders on ocean and coastal issues leading to enhanced conservation and sustainable use of the oceans and their resources;
  - (c) A better understanding of the legal regime for the oceans and the enhanced human resource capacity of Member States, in particular developing countries, to implement that regime effectively.

## Programme performance in 2020

- 8.94 Programme performance in 2020 includes the result below that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

### **Advancement in the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction**

- 8.95 In the light of the unprecedented rate of continued loss of marine biodiversity and the impacts of unsustainable practices on the marine environment and its resources, the General Assembly initiated in 2005 a process to study issues relating to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. This process led to the decision of the Assembly, in 2017, to convene an intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (resolution [72/249](#)).
- 8.96 The subprogramme continued to support the work of the conference in 2018 and 2019 during an organizational meeting and three sessions, in particular the development of an instrument under the Convention, by, inter alia, assisting its President and delegations in preparing draft texts of an agreement, assisting with reports to the plenary from facilitators of established informal working groups to ensure transparency, providing inputs to the statements by the President, including proposals for a way forward, preparing reference compilations, including article-by-article compilations of textual proposals, and otherwise facilitating the work of delegations, thus enabling them to advance their discussions and the overall goals of the conference during the intersessional period.
- 8.97 While the General Assembly decided to postpone the fourth session of the conference scheduled in 2020 owing to the COVID-19 pandemic (decision 74/543), the subprogramme serviced virtual meetings and consultations convened by the President of the Conference, including meetings of the

Bureau, to prepare an intersessional programme of work. The subprogramme also organized and serviced intersessional forums and assisted the facilitators of the informal working groups in identifying key questions for discussions.

*Progress towards the attainment of the objective, and performance measure*

- 8.98 The above-mentioned work contributed to the objective, as demonstrated by Member States having access to a revised draft text of an agreement and the compilation of textual proposals for consideration at the fourth session. Furthermore, the work also contributed to positive feedback from Member States on the working sessions and the compilation and drafting of revisions of the text of an agreement (see table 8.15).

**Table 8.15**  
**Performance measure**

<i>2018 (actual)</i>	<i>2019 (actual)</i>	<i>2020 (actual)</i>
Member States, delegations and other relevant stakeholders have access to all information related to the conference	Member States and delegations have access to a comprehensive paper with proposals (more than 700 pages), and the understanding of the issues by Member States is advanced by developing a first draft of the text of an agreement	Member States have access to a revised draft text of an agreement, and textual proposals are compiled for consideration at the fourth session  Positive feedback from Member States on the working sessions and compilation and drafting of revisions to the text of an agreement

**Impact of COVID-19 on subprogramme delivery**

- 8.99 Owing to the COVID-19-related postponement of the fourth session of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and of the twenty-first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the subprogramme had to cancel in-person processes planned in support of those meetings and, in the case of the intergovernmental conference, made extensive efforts to support alternative intersessional dialogues. The pandemic also affected the development of the second *World Ocean Assessment* by 2020, which depended on in-person expert activities, and planned related awareness-raising activities. The development of the Assessment was carried forward by less effective and efficient virtual processes requiring additional logistical support by the subprogramme. Furthermore, owing to the pandemic, the subprogramme postponed planned in-person capacity-building activities and deferred fellowships. The subprogramme enabled consultations through virtual platforms or by correspondence and assisted Member States, members of the Commission on the Limits of the Continental Shelf and experts in the use of other web-based working methods to ensure the timely delivery of mandated activities. Planned in-person activities to raise awareness of the forthcoming launch of the second Assessment and to strengthen the ocean science-policy interface were replaced by a series of online activities, including a science-policy literacy campaign and a webinar. Planned technical cooperation activities were transitioned to online modes of delivery, including virtual consultations, workshops and trainings. Regarding capacity-building activities, two online training programmes were delivered for participants selected for the in-person fellowships in 2020 and to a broader audience of ocean experts. Those changes had an impact on the programme performance in 2020, as specified in results 2 and 3 below.
- 8.100 At the same time, however, the subprogramme identified new activities to support Member States on issues related to the COVID-19 pandemic, within the overall scope of its objectives, namely, the

Group of Experts of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects incorporated research results in the second *World Ocean Assessment* regarding the implications of the COVID-19 pandemic for human uses of the ocean, especially in relation to maritime industries. One of the online training programmes was aimed at increasing the participants' understanding of the impacts of and responses to the pandemic in the context of law of the sea and ocean affairs, as a first step towards the development of resilience strategies. The implementation of a project to assist States in developing ocean economy and trade strategies was also adjusted to include activities on the impacts of the pandemic on ocean governance, livelihoods and broader blue economy value chains. The new deliverables contributed to results in 2020, as specified in the emerging result for 2020 above.

### Planned results for 2022

- 8.101 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

#### **Result 1: strengthen the science-policy interface by developing the second *World Ocean Assessment*<sup>7</sup>**

##### **Programme performance in 2020**

- 8.102 The subprogramme continued to provide substantive and conference services support to the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, the Bureau, the Group of Experts, the Pool of Experts and the writing teams on their work related to the development of the second *World Ocean Assessment*. The subprogramme also provided substantive and technical support for the review of the Assessment, including a peer review by experts, followed by a review by States during which more than 3,000 written comments were received and shared with the Group of Experts. The subprogramme continued to provide secretariat support in relation to editing, translation and desktop publishing and started online activities to raise awareness of the Assessment, strengthening the science-policy interface.
- 8.103 The above-mentioned work contributed to the completion of the second *World Ocean Assessment*, which the General Assembly, in its resolution [75/239](#), welcomed and approved the summary of and which will result in strengthening the science-policy interface, which will further support the sustainable and integrated ocean management. This did not meet the target of the publication of the second *World Ocean Assessment*, reflected in the programme budget for 2020, owing to the delays in finalizing its draft caused by the impact of the COVID-19 pandemic on some members of the Group of Experts and writing teams.

##### **Proposed programme plan for 2022**

- 8.104 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will provide support for the development of brief documents outlining specific policy-relevant information from the second *World Ocean Assessment*, as they may relate to and support other ocean-related intergovernmental processes. The subprogramme will further develop and start the implementation of a capacity-building programme to strengthen the science-policy interface at the national, regional and global levels. The subprogramme will continue to develop and implement an outreach and engagement strategy, in line with the decision of the Ad Hoc Working Group and the lessons learned from the second cycle. The expected progress is presented in the performance measure below (see table 8.1 6).

<sup>7</sup> As reflected in the programme budget for 2020 ([A/74/6/Add.1](#)).

Table 8.16  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned) <sup>a</sup>	2022 (planned)
Constitution of the Pool of Experts and writing teams, and organization of regional workshops	Preparation and peer review of the chapters of the second <i>World Ocean Assessment</i>	Completion of the second <i>World Ocean Assessment</i> ; approval of its summary by the General Assembly, resulting in a strengthened science-policy interface	First year of the third cycle of the Regular Process, for the period 2021–2025; start of work on the third <i>World Ocean Assessment</i>	Member States have access to documents outlining policy-relevant information from the second <i>World Ocean Assessment</i> , and States have increased opportunities to develop capacity in strengthening the science-policy interface

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

## Result 2: progress in making global fisheries sustainable<sup>8</sup>

### Programme performance in 2020

- 8.105 The subprogramme facilitated intensive consultations among Member States dealing with assessing the impact of the pandemic on sustainable fisheries processes. Notwithstanding the fifteenth round of informal consultations of States parties to the Fish Stocks Agreement, both the review on bottom fishing and the resumed Review Conference on the Fish Stocks Agreement were postponed to 2022. The subprogramme completed a range of preparatory work for the above-mentioned processes, including the issuance of a report on bottom fishing and the development of preliminary documents for the resumed Review Conference. The subprogramme provided input to capacity-building activities aimed at improving the sustainability of global fisheries through the improved implementation of the international legal regime for fisheries.
- 8.106 The above-mentioned work contributed to countries and regional fisheries management organizations and arrangements continuing preparations for the resumption of the Review Conference, which did not meet the planned target of countries and regional fisheries management organizations finalizing preparations for the new session of the Review Conference, reflected in the programme budget for 2021, owing to the COVID-19 situation and the postponement of the resumed Review Conference to 2022. The questionnaires to be compiled by States and regional fisheries management organizations and arrangements to inform the drafting of a report of the Secretary-General were not distributed. In spite of the postponement, the subprogramme continued to assist States by facilitating consultations by correspondence and thus contributed to the development of an agreement on the draft agenda and draft organization of work for the Conference.

### Proposed programme plan for 2022

- 8.107 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective and in response to recent developments, the subprogramme's work will evolve to include the preparation, convening and substantive follow-up to the resumed Review Conference and the facilitation of the review by the General Assembly of its resolutions addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. The expected progress is presented in the updated performance measure below (see table 8.17).

<sup>8</sup> As reflected in the programme budget for 2021 (A/75/6/Add.1).

Table 8.17  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
Countries commit to considering becoming party to the Fish Stocks Agreement (three further ratifications in 2018) and implementing Review Conference recommendations	Countries and regional fisheries management organizations and arrangements continue to review and implement recommendations; the General Assembly decides to hold a new session of the Review Conference in 2021	Countries and regional fisheries management organizations make progress on the preparations for the new session of the Review Conference; Member States have access to a report of the Secretary-General on the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea stocks	Countries and regional fisheries management organizations and arrangements receive and begin compiling questionnaires regarding the implementation of the recommendations of the Review Conference held in 2016; countries consider the implementation of an ecosystem approach to fisheries management in the context of the informal consultations of the States parties to the Fish Stocks Agreement	The Review Conference reviews the implementation by States and regional fisheries management organizations and arrangements of the 111 recommendations adopted in 2016 on the basis of a report of the Secretary-General and adopts further recommendations on the enhanced implementation of the Fish Stocks Agreement, as necessary; the Assembly undertakes a review on the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks

### Result 3: improved capacity for sustainable and integrated ocean governance

#### Proposed programme plan for 2022

- 8.108 Expanding capacity-building activities for developing States to meet the increased need for assistance to fully implement the Convention, the Fish Stocks Agreement and related instruments, as well as to benefit from the sustainable development of the oceans and seas and participate fully in related global and regional forums, is one of the primary mandates of the Secretary-General reflected in annual General Assembly resolutions. The impacts of the pandemic further highlighted the importance of capacity-building in assisting States and intergovernmental organizations with realizing the potential of the oceans and seas to achieve a sustainable and resilient recovery. The subprogramme has provided a range of needs-based and mutually reinforcing activities, including technical cooperation projects, fellowships, workshops, advice, outreach programmes, special events and information materials. These cover various relevant fields, including: (a) the Convention, the Fish Stocks Agreement and related instruments, as well as other mandated processes; (b) ocean affairs, including best practices, and national adaptations; (c) the 2030 Agenda and its Sustainable Development Goals; (d) sustainable ocean-based economies; and (e) oceans and climate change.

#### *Lessons learned and planned change*

- 8.109 The lesson for the subprogramme was that capacity-building activities generate more relevant and lasting impacts when tailored to identified needs, guided by the aim to increase local ownership, and



adopting a multi-stakeholder approach. In applying the lesson, the subprogramme will work with national partners and intensify its efforts to ensure that capacity-building activities are guided by identified needs and it will aim to increase local ownership and a multi-stakeholder approach in every step. The subprogramme will also develop strategic medium- and long-term partnerships with relevant stakeholders, including its partners within and outside the United Nations system, to explore, as far as practicable, synergies among activities towards the joint development and implementation of capacity-building activities. Lastly, as a result of the postponement of planned in-person capacity-building activities and the deferral of fellowships caused by the COVID-19 pandemic, the importance of effectively using online modes of delivery, including virtual consultations, workshops and trainings, has come to the fore. The subprogramme will further develop and implement additional virtual capacity-building activities, while recognizing that in-person activities offer a more effective and impactful mode of delivery.

*Expected progress towards the attainment of the objective, and performance measure*

- 8.110 This work is expected to contribute to the objective, as demonstrated by improved regional and national capacity to implement the Convention regime and establish and implement ocean governance measures. Improved capacity enables States to establish and implement sustainable and integrated ocean governance measures, including through the adoption or revision of national legislation, policies and mechanisms, and effective and informed participation in relevant international negotiations (see table 8.18).

Table 8.18

**Performance measure**

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
States have access to new programmes and additional in-person training opportunities enhancing their understanding of ocean governance, including linkages between the Convention and the Sustainable Development Goals, as well as informed participation in the Preparatory Committee on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the related intergovernmental conference	States have access to additional training opportunities to improve their capacity to develop and implement national strategies for the development of ocean-based economic sectors within the Convention framework	States have access to new projects and additional technical assistance and virtual training opportunities to enhance their understanding and mitigation of the implications of the COVID-19 pandemic on oceans and the law of the sea, as well as to increase accessibility and knowledge-sharing by a wider audience	States take action, for example through policies, to reinforce local ownership  States have access to new and additional multi-stakeholder training opportunities (both in person and online) to enhance their identified capacity needs to respond to emerging issues pertaining to oceans and the law of the sea, including by reinforcing local ownership	Improved regional and national capacity to implement the Convention regime and establish and implement ocean governance measures. Improved capacity enables States to establish and implement sustainable and integrated ocean governance measures, including through the adoption or revision of national legislation, policies and mechanisms, and effective and informed participation in relevant international negotiations

## Legislative mandates

8.111 The list below provides all mandates entrusted to the subprogramme.

### *United Nations Convention on the Law of the Sea*

Articles 16 (2), 47 (9), 63 (2), 64, 75 (2), 76 (9), 84 (2), 116–119, 287 (8), 298 (6), 312, 313 (1) and 319 (1) and (2)

Annex II: articles 2 (2) and (5) and 6 (3)

Annex V: articles 2 and 3 (e)

Annex VI: article 4 (4)

Annex VII: article 2 (1)

Annex VIII: article 3 (e)

### *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*

Articles 26 (1) and 36

### *General Assembly resolutions*

37/66	Third United Nations Conference on the Law of the Sea	72/249	International legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction
49/28	Law of the Sea		
52/26; 55/7; 60/30; 63/111; 64/71; 65/37 A and B; 67/78; 68/70; 69/245; 73/124; 74/19; 75/239	Oceans and the law of the sea	73/125; 74/18; 75/89	Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments
54/33	Results of the review by the Commission on Sustainable Development of the sectoral theme of “Oceans and seas”: international coordination and cooperation		
70/1	Transforming our world: the 2030 Agenda for Sustainable Development	73/292	2020 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
71/312	Our ocean, our future: call for action		

## Deliverables

8.112 Table 8.19 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.19

**Subprogramme 4: deliverables for the period 2020–2022, by category and subcategory**

<i>Category and subcategory</i>	<i>2020 planned</i>	<i>2020 actual</i>	<i>2021 planned</i>	<i>2022 planned</i>
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>29</b>	<b>37</b>	<b>28</b>	<b>32</b>
1. Reports for the General Assembly on oceans and the law of the sea and on sustainable fisheries	3	2	2	2
2. Report on the work of the Ad Hoc Working Group of the Whole of the General Assembly on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects	1	2	–	1
3. Documentation for the intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction	3	3	–	–
4. Documentation for meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea	2	1	2	2
5. Documentation for the Meeting of the States Parties to the United Nations Convention on the Law of the Sea	11	23	7	8
6. Documentation for the Commission on the Limits of the Continental Shelf	5	3	5	5
7. Report on the consultations of States parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	1	–	1	1
8. <i>Second World Ocean Assessment</i>	1	2	–	–
9. Report of the Secretary-General on actions taken by States and regional fisheries management organizations and arrangements in response to relevant paragraphs of General Assembly resolutions 64/72, 66/68 and 71/123, on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks	1	–	–	1
10. Summary of the workshop to discuss the implementation of relevant paragraphs of General Assembly resolutions 64/72, 66/68 and 71/123, on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks	1	1	–	1
11. Documentation for the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	–	–	11	11
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>671</b>	<b>375</b>	<b>603</b>	<b>649</b>
12. Meetings of the General Assembly (informal consultations and plenary meetings)	38	24	32	32
13. Consultations of States parties to the Fish Stocks Agreement	4	–	4	4
14. Meetings relating to the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects	34	63	–	38
15. Intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction	20	18	–	–
16. Meetings of States Parties to the United Nations Convention on the Law of the Sea	10	85	10	10
17. Meetings of the Commission on the Limits of the Continental Shelf and its subcommissions	550	185	538	542

<i>Category and subcategory</i>	<i>2020 planned</i>	<i>2020 actual</i>	<i>2021 planned</i>	<i>2022 planned</i>
18. Intergovernmental workshop to discuss implementation of relevant paragraphs of General Assembly resolutions <a href="#">64/72</a> , <a href="#">66/68</a> and <a href="#">71/123</a> , on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks	4	–	–	4
19. Meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea	10	–	8	8
20. Preparatory meeting for the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea	1	–	1	1
21. Review Conference on the Fish Stocks Agreement	–	–	10	10
<b>Conference and secretariat services for meetings</b> (number of three-hour meetings)	<b>544</b>	<b>220</b>	<b>498</b>	<b>542</b>
22. Meetings relating to the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects	34	63	–	38
23. Meetings of the subcommissions of the Commission on the Limits of the Continental Shelf	510	157	498	504
<b>B. Generation and transfer of knowledge</b>				
<b>Field and technical cooperation projects</b> (number of projects)	<b>5</b>	<b>7</b>	<b>6</b>	<b>7</b>
24. Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea	1	1	1	1
25. United Nations-Nippon Foundation of Japan Fellowship Programme for Human Resources Development and Advancement of the Legal Order of the World's Oceans	1	1	1	1
26. United Nations-Nippon Foundation Sustainable Ocean Programme	1	1	1	1
27. Evidence-based and policy-coherent oceans economy and trade strategies project (eleventh tranche of the United Nations Development Account)	1	1	1	1
28. Project for Somali legislators and technical officials on the development of an effective legal framework for the governance of the maritime zones of Somalia and the sustainable development of its resources in conformity with the United Nations Convention on the Law of the Sea and related instruments (project 89 under the trust fund to support initiatives of States to counter piracy off the coast of Somalia)	1	1	1	–
29. Project for the promotion of the implementation of the United Nations Convention on the Law of the Sea and its implementing agreements and the 2030 Agenda for Sustainable Development in the context of ocean affairs and the law of the sea (funded by the Norwegian Agency for Development Cooperation)	–	1	1	1
30. Project for the promotion of the implementation of the United Nations Convention on the Law of the Sea and its implementing agreements with a focus on maritime boundaries (Government of Saudi Arabia)	–	1	–	1
31. Ocean governance capacity-building training programme (in collaboration with the World Bank and the International Seabed Authority)	–	–	–	1
<b>Seminars, workshops and training events</b> (number of days)	<b>5</b>	<b>2</b>	<b>7</b>	<b>33</b>
32. Workshops, seminars and training events on oceans and the law of the sea	5	2	7	33
<b>Publications</b> (number of publications)	<b>4</b>	<b>7</b>	<b>4</b>	<b>4</b>
33. Publications on the law of the sea	4	7	4	4
<b>Technical materials</b> (number of materials)	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
34. Technical brochures on the law of the sea	1	1	1	1
<b>C. Substantive deliverables</b>				
<b>Consultation, advice and advocacy:</b> expert advice and programmes of assistance to States and international organizations on the law of the sea and ocean affairs, in particular the United Nations Convention on the Law of the Sea and the Fish Stocks Agreement; advice and assistance to all Member States, upon request, in relation to the work of the General Assembly on oceans and the law of the sea and sustainable fisheries, including with respect to the preparation of draft resolutions under the agenda item on oceans and the law of the sea; support for the implementation by Member States of the oceans-related Sustainable Development Goals in the 2030 Agenda; and strengthening of inter-agency cooperation, in particular through UN-Oceans.				

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
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**Databases and substantive digital materials:** geographic information system for the deposit of charts and geographical coordinates; and legal web-based information in relation to maritime zones.

#### D. Communication deliverables

**Outreach programmes, special events and information materials:** publicly accessible materials, briefings and events to promote a better understanding of the United Nations Convention on the Law of the Sea and the Fish Stocks Agreement, and the work of the General Assembly on oceans and the law of the sea and sustainable fisheries, and organization of events and other outreach activities to commemorate World Oceans Day.

**Digital platforms and multimedia content:** up-to-date content on the law of the sea and ocean affairs distributed through web portals and websites.

**Library services:** specialized reference collection and bibliographic database on the law of the sea and ocean affairs.

#### E. Enabling deliverables

**Information and communications technology:** maintenance of specialized geographic information system software packages and related licences, maintenance of a repository of geospatial data and information.

## Subprogramme 5 Progressive harmonization, modernization and unification of the law of international trade

### Objective

- 8.113 The objective, to which this subprogramme contributes, is to further the progressive harmonization and unification of the law of international trade.

### Strategy

- 8.114 To contribute to the objective, the subprogramme will serve as the secretariat to the United Nations Commission on International Trade Law (UNCITRAL), provide member States with working papers, draft reports and draft substantive private law rules on international trade and give advice on and assistance in intergovernmental negotiations. The subprogramme will coordinate those activities with equivalent activities of other international organizations in accordance with the UNCITRAL mandate and propose that UNCITRAL recommend the use or adoption of relevant instruments from other organizations.
- 8.115 The subprogramme will also provide technical assistance and capacity-building to Governments, including diagnostic assessments, implementation guidance and interpretative materials, as well as training activities and advice on the enactment of UNCITRAL texts in national law.
- 8.116 The subprogramme plans to support Member States on issues related to COVID-19 by studying disruptions to international trade and global supply chains that occurred during the pandemic and response measures, with a particular focus on micro-, small and medium-sized enterprises. Further to the webinar series described below, UNCITRAL requested the subprogramme to consider UNCITRAL instruments in that context and to research and explore possible future legislative development to meet the challenges identified. The work will include research, the exchange of experiences and the submission of reform options to the Member States for consideration.
- 8.117 The above-mentioned work is expected to result in:
- Well-informed, transparent and inclusive deliberations;
  - Governments agreeing on substantive private law rules governing international trade and their reflection in universally acceptable instruments;

- (c) The availability of additional instruments to harmonize and unify international trade law;
  - (d) Increased government use and adoption of UNCITRAL instruments in national law and increased legal decisions on those instruments;
  - (e) Increased treaty actions, enactments and legal decisions on UNCITRAL texts.
- 8.118 The planned support on issues related to COVID-19 is expected to result in:
- (a) The availability of additional UNCITRAL instruments for use in mitigating the economic impacts of the COVID-19 pandemic;
  - (b) Tools to encourage resilience in international trade.

### **Programme performance in 2020**

- 8.119 Programme performance in 2020 includes the result below that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

#### **Enhanced capacity to use UNCITRAL materials to support economic recovery from the COVID-19 pandemic**

- 8.120 Harmonizing and unifying international trade law includes the adoption of international instruments and securing their effective use and implementation at the national level, necessitating that Governments understand the instrument benefits, policies and national implementation requirements. UNCITRAL notes and expresses its appreciation for the subprogramme's activities to support the use and implementation of all legislative texts developed and adopted by UNCITRAL (see, for example, [A/75/17](#), part one, paras. 19 and 66). The subprogramme generally addresses this need through the in-person provision of practical tools, which was prevented by the COVID-19 pandemic. The subprogramme sought to raise awareness on the role of and build capacity to use the UNCITRAL instruments in assisting Governments in their responses to the pandemic and economic recovery efforts by organizing a series of interactive webinars between 8 and 16 July 2020, in conjunction with the fifty-third session of UNCITRAL ([A/75/17](#), part one, paras. 11 (b) (ii) and 107), using 12 conference hours originally intended for that session. In addition to UNCITRAL delegates, there were 2,336 registrations for the webinars, with an active daily participation of approximately 250 participants. Since then, the virtual panel series has been viewed 1,438 times on the UNCITRAL social media channels.
- 8.121 The subprogramme also held over 50 additional online and interactive webinars in 2020, to deliver practical tools enabling an effective understanding of existing UNCITRAL instruments, including the United Nations Convention on Contracts for the International Sale of Goods and its use as a model in the domestic context, and transparency requirements in investor-State dispute settlement under the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration during the UNCITRAL Latin American and Caribbean Days 2020.<sup>9</sup> Furthermore, the subprogramme produced nine podcasts and posted 15 videos on social media to explain common implementation and interpretation issues and provide practice guidelines. The podcasts have been listened to 932 times and the videos have been viewed 4,814 times.

#### *Progress towards the attainment of the objective, and performance measure*

- 8.122 The above-mentioned work contributed to the objective, as demonstrated by equipping government officials, judges, adjudicators, academics and legal practitioners with the tools and enhanced capacity to use UNCITRAL texts to: implement robust legal frameworks necessary to revitalize commercial activity and global trade; interpret UNCITRAL instruments appropriately, thus allowing

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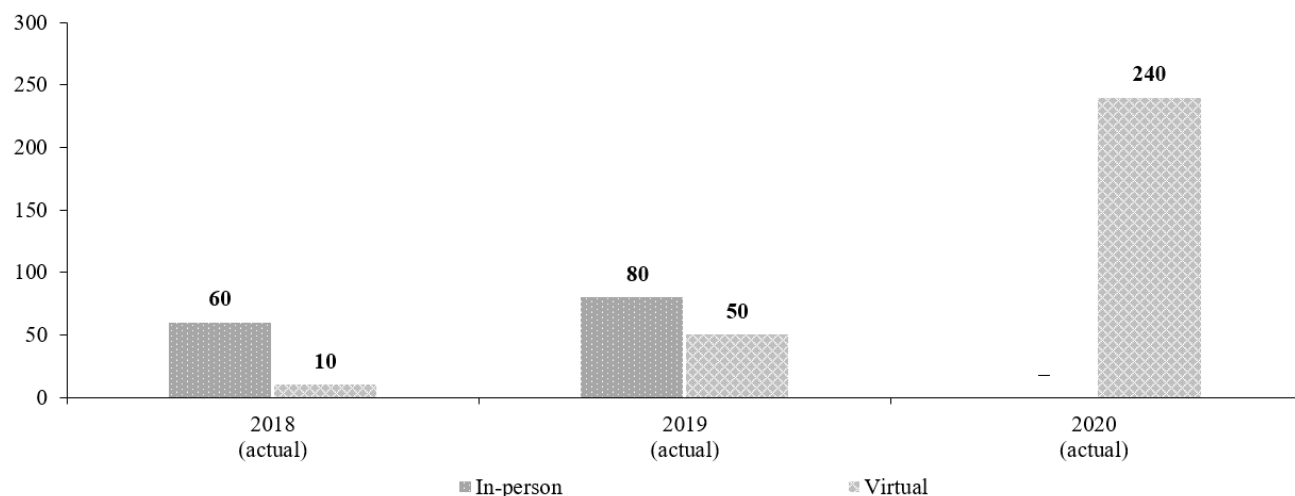
<sup>9</sup> UNCITRAL noted and expressed its appreciation at its fifty-third session for the approach and activities as regards those conventions ([A/75/17](#), part one, paras. 19, 65–67, 91 and 92).

the effective use of those instruments in practice; and mitigate the social and economic dislocation caused by the COVID-19 pandemic (see figure 8.III).

Figure 8.III

**Performance measure: number of experts with enhanced capacity in using UNCITRAL materials (annual)**

(Numbers in hundreds)



#### Impact of COVID-19 on subprogramme delivery

- 8.123 Owing to the impact of COVID-19 during 2020, the work of the subprogramme was interrupted by the cancellation of five sessions of UNCITRAL working groups in the first half of 2020, while six working group sessions in the second half of 2020 had to be conducted in hybrid format (in which meeting hours were required to be reduced, which curtailed time for deliberations and adopting decisions). A total of 210 working group conference hours was lost. The first part of the fifty-third session of UNCITRAL, from 6 to 17 July 2020, was held virtually, with some meetings cancelled and others required to operate with reduced hours, curtailing time for deliberations and decision-making and resulting in a loss of 42 conference hours. The second part of the session was held from 14 to 18 September 2020, in hybrid format, with a further loss of 10 conference hours (as a result of the requirement for such meetings to be held with reduced hours). As a result, the session did not deliberate on legislative texts and the planned adoption of two instruments. Coordination, technical assistance and capacity-building activities to support UNCITRAL texts were conducted online, rather than in-person, and some activities for which online delivery was not possible were postponed. The subprogramme facilitated inclusive and equal participation in the UNCITRAL and working group sessions through an online platform, which allowed the sessions to be held virtually and in hybrid format in all official languages; and by developing and implementing procedures for those sessions, including silence procedures for adopting decisions. The subprogramme also delivered technical support to Member States participating in the sessions and engaged in consultation procedures to advance the development of UNCITRAL instruments and possible future legislative development. Those changes had an impact on the programme performance in 2020, as specified in result 3 below.
- 8.124 At the same time, however, the subprogramme identified new activities to support Member States on issues related to the COVID-19 pandemic, within the overall scope of its objectives, namely, the holding of a series of events to engage with States on the use of UNCITRAL instruments to assist them in their responses to the pandemic and recovery efforts. The new deliverables contributed to results in 2020, as specified in the emerging result for 2020 above.

## Planned results for 2022

- 8.125 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

### Result 1: enforcing commercial obligations across borders<sup>10</sup>

#### Programme performance in 2020

- 8.126 The subprogramme encouraged States to sign, ratify and implement the United Nations Convention on International Settlement Agreements Resulting from Mediation, as envisaged by UNCITRAL in 2019 (A/74/17, para. 122), by participating in online activities and bilateral discussions (in English, French and Spanish) with government officials to explain the terms of the Convention and to provide details of the ratification process. The subprogramme also participated in online events with legal practitioners and the business community, promoting an effective understanding of how the Convention and UNCITRAL texts supported commercial activity, including the usefulness of mediation in the context of the COVID-19 pandemic and economic recovery.
- 8.127 The above-mentioned work contributed to: the ratification of the Convention by six States in 2020 (Belarus, Ecuador, Fiji, Qatar, Saudi Arabia and Singapore) and its signature by two States (Ghana and Rwanda), resulting in the Convention entering into force on 12 September 2020, which exceeded the planned target of the first ratifications of the Convention reflected in the programme budget for 2020; and the launch of the Singapore Mediation Academy, which met the planned target reflected in the programme budget for 2020.

#### Proposed programme plan for 2022

- 8.128 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will continue the above-described activities to encourage further ratifications of the Convention and broaden its effectiveness, and to provide member States and other stakeholders with access to practical tools to allow the settlement of commercial disputes through mediation, including through the Singapore Mediation Academy. The expected progress is presented in the performance measure below (see table 8.20).

Table 8.20  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned) <sup>a</sup>	2022 (planned)
United Nations Convention on International Settlement Agreements Resulting from Mediation adopted	Initiation of dialogue between Member States on technical assistance and capacity-building, including on the establishment of national mediation centres	Convention ratified by six States and signed by two other States  Launch of the Singapore Mediation Academy in September 2020	Entry into force of the Convention and launch of further mediation academies	Further ratifications of the Convention, and availability of tools to allow for the settlement of commercial disputes through mediation

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

<sup>10</sup> As reflected in the programme budget for 2020 (A/74/6/Add.1).



**Result 2: reforms to investor-State dispute settlement through development of multiple solutions<sup>11</sup>****Programme performance in 2020**

- 8.129 The subprogramme held intersessional regional meetings in developing countries to exchange experiences and views on the agenda for reform of investor-State dispute settlement and prepare for deliberations in UNCITRAL Working Group III (Investor-State Dispute Settlement Reform), and prepared detailed studies of multiple reform options, including one procedural option and another structural option that could be developed as parallel work streams. Furthermore, the subprogramme implemented agreed ways of working between sessions of Working Group III, including consultations among delegates and observer delegations from international organizations, outreach activities to raise awareness and ensure transparency and inclusivity in the process despite the pandemic and resulting constraints. Topics included dispute prevention and mitigation, means of alternative dispute resolution, treaty interpretation by States parties, reflective loss and shareholder claims, a code of conduct for adjudicators and the development of a multilateral instrument on investor-State dispute settlement reform.
- 8.130 The above-mentioned work contributed to the consideration by Working Group III of certain reform options and work streams that would allow the development of parallel solutions, which did not meet the target of the Working Group III considering multiple reform options, reflected in the programme budget for 2021. Discussions on one aspect of the work, the form of UNCITRAL instrument to implement agreed reform options, remain to be completed. The first deliberations on the reform options were to be held during the session of Working Group III scheduled in April 2020, which was cancelled as a result of the COVID-19 pandemic. The following session, in October 2020, was held in a hybrid format. The online tools developed by the Secretariat allowed for online participation in the session, and the procedures for deliberations were recognized by delegates as transparent, multilingual and inclusive. Nonetheless, conference hours available for deliberations were reduced from 30 hours to 20 hours. In addition, while the informal consultations and described outreach activities ensured transparency and allowed for the participation of States at all levels of development, the fact that they were held in one language, mainly English, limited inclusivity by making it more difficult for certain delegations (in particular from some regions with a high proportion of developing countries) to participate fully. Those factors resulted in delays in the preparation of a working and resourcing plan towards reform of investor-State dispute settlement within the anticipated time frame and did not allow for the expected progress to be made in developing multiple reform options.

**Proposed programme plan for 2022**

- 8.131 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will develop a work and resourcing plan, including the steps needed to build consensus on the development of legal instruments addressing the identified reform options, and on the form of instrument through which they will be implemented. The expected progress is presented in the performance measure below (see table 8.21).

<sup>11</sup> As reflected in the programme budget for 2021 ([A/75/6/Add.1](#)).

Table 8.21  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned) <sup>a</sup>	2022 (planned)
Working Group III addresses the first and second parts of its mandate, on the identification of concerns in the field of investor-State dispute settlement and whether those concerns justify a reform of investor-State dispute settlement	Working Group III commences deliberations on possible reform options and on developing a project schedule for reform options in parallel	Working Group III considers multiple reform options	Working Group III continues to develop reform options and reaches consensus on certain reform options	Working Group III continues to develop reform options and build consensus on the legal instruments to be developed in respect of each option and in respect of the implementation of the overall reform

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

### Result 3: greater legal certainty for the use of artificial intelligence and automation in commercial transactions

#### Proposed programme plan for 2022

- 8.132 Developments in digital technology, such as artificial intelligence, machine-learning algorithms and automation, are transforming trade, including through the use of online platforms, and in forming and performing contracts. These developments can also support economic recovery from the COVID-19 pandemic in all regions and may expand market access in developing countries. The UNCITRAL existing international instruments allow for the use of digital technology in commerce, most recently the Model Law on Electronic Transferable Records. To allow UNCITRAL to carry out its central and coordinating role within the United Nations system in addressing legal issues related to the digital economy and digital trade, in close association with the approach to artificial intelligence governance and ethics highlighted by the Secretary-General in his Road Map for Digital Cooperation of 2020 ([A/74/821](#) and [A/75/17](#), part two, para. 72), the subprogramme started to compile information on relevant legal issues ([A/73/17](#), para. 253 (b)). A series of regional events highlighted the need for additional harmonized legal rules to allow for the use of artificial intelligence, automation and other digital tools, which could help to bridge the digital divide. The subprogramme also developed a workplan to address those legal issues, including the appraisal of existing instruments and the finalization of a “taxonomy” of priority topics as a map to guide the preparation of future instruments ([A/74/17](#), para. 210, and [A/75/17](#), part two, para. 76). The subprogramme also commenced the development of a priority list of legal issues to be considered by UNCITRAL, such as artificial intelligence and automation ([A/75/17](#), part two, para. 16 (f)).

#### *Lessons learned and planned change*

- 8.133 The lesson for the subprogramme was that there was strong demand from developing country delegations for participating in the development of instruments and that additional steps were needed to support the universal applicability of UNCITRAL instruments. In applying the lesson, the subprogramme will build on the experience gained during the holding of virtual and hybrid sessions of UNCITRAL and its working groups to ensure inclusive and equal participation in UNCITRAL sessions, consultation procedures and outreach activities, irrespective of the medium used for such participation.

*Expected progress towards the attainment of the objective, and performance measure*

- 8.134 This work is expected to contribute to the objective, as demonstrated by UNCITRAL Working Group IV (Electronic Commerce) commencing deliberations on priority legal issues related to the digital economy and the development of a consensus among States through that Working Group on the elements of a sound and harmonized legal and regulatory framework for digital trade and electronic transactions, which is key to infusing trust in that type of trade, in particular in developing countries. Such a framework will remove obstacles to and foster opportunities for trade and economic development consistent with Sustainable Development Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), while also promoting the development of digital infrastructure and the uptake of digital technology consistent with Goal 9 (Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation) (see table 8.22).

Table 8.22  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
UNCITRAL member States have access to information on legal issues related to the digital economy	UNCITRAL member States have access to an appraisal of existing instruments and an initial “taxonomy” of priority topics	UNCITRAL member States have access to a workplan to address legal issues related to the digital economy and a “taxonomy” to guide future work	UNCITRAL member States mandate an UNCITRAL working group to work on priority legal issues related to the digital economy	UNCITRAL Working Group IV commences deliberations on priority legal issues related to the digital economy, and development of a consensus among States through that Working Group on the elements of a sound and harmonized legal and regulatory framework for digital trade and electronic transactions

**Legislative mandates**

- 8.135 The list below provides all mandates entrusted to the subprogramme.

*General Assembly resolutions*

2205 (XXI)	Establishment of the United Nations Commission on International Trade Law	75/133	Report of the United Nations Commission on International Trade Law on the work of its fifty-third session
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**Deliverables**

- 8.136 Table 8.23 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.23

**Subprogramme 5: deliverables for the period 2020–2022, by category and subcategory**

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>195</b>	<b>215</b>	<b>195</b>	<b>195</b>
1. Report of UNCITRAL to the General Assembly	1	1	1	1
2. Reports of UNCITRAL subsidiary bodies to the Commission	12	8	12	12
3. Notes by the secretariat to the Commission and its subsidiary bodies	82	113	82	82
4. Conference room papers of the Commission and its subsidiary bodies	85	81	85	85
5. Information papers for the Commission and its subsidiary bodies	15	12	15	15
<b>Substantive services for meetings</b> (number of three-hour meetings) <sup>a</sup>	<b>150</b>	<b>98</b>	<b>150</b>	<b>150</b>
6. Meetings of the Commission	30	19	30	30
7. Meetings of UNCITRAL subsidiary bodies	120	79	120	120
<b>B. Generation and transfer of knowledge</b>				
<b>Field and technical cooperation projects</b> (number of projects)	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
8. Regional projects in the field of international trade law	4	2	4	4
9. Country projects in the field of international trade law	11	13	11	11
<b>Seminars, workshops and training events</b> (number of days)	<b>80</b>	<b>68</b>	<b>80</b>	<b>88</b>
10. International seminars, workshops and training events on international trade law	20	24	20	20
11. Regional seminars, workshops and training events on international trade law	40	19	40	42
12. Country seminars, workshops and training events on international trade law	20	25	20	26
<b>Publications</b> (number of publications)	<b>9</b>	<b>2</b>	<b>10</b>	<b>6</b>
13. Legal texts (international conventions, UNCITRAL model laws, legislative guides and other legal texts)	5	2	7	5
14. UNCITRAL publications ( <i>Yearbook of the United Nations Commission on International Trade Law</i> , guides to UNCITRAL, digests of case law)	4	–	3	1
<b>Technical materials</b> (number of materials)	<b>12</b>	<b>10</b>	<b>11</b>	<b>12</b>
15. Promotional and technical assistance materials	2	2	1	2
16. Case Law on UNCITRAL Texts (CLOUT) abstracts	10	8	10	10
<b>C. Substantive deliverables</b>				
<b>Consultation, advice and advocacy:</b> expert advice on international trade law.				
<b>Databases and substantive digital materials:</b> CLOUT (an online database on case law on UNCITRAL texts); Transparency Registry (an online repository for the publication of information and documents in treaty-based investor-State arbitration); online e-learning modules on international trade law; online materials, such as presentations, to raise awareness and understanding of UNCITRAL texts; and other databases requested by States.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> brochures, flyers and information kits on UNCITRAL; lectures to groups of legal and other practitioners, academics and law students; colloquiums on international trade law; international commercial law moot court competitions; commemoration events; and international law congresses.				
<b>External and media relations:</b> press releases related to UNCITRAL meetings and other important events (e.g., accession by States to UNCITRAL texts and issuance of publications).				
<b>Digital platforms and multimedia content:</b> up-to-date content for UNCITRAL website.				
<b>Library services:</b> up-to-date and relevant content in the UNCITRAL Law Library.				

<sup>a</sup> With the exception of two working group sessions held at the beginning of 2020, all sessions were held virtually, and meetings were reduced from three to two hours.

## **Subprogramme 6**

### **Custody, registration and publication of treaties**

#### **Objective**

- 8.137 The objective, to which this subprogramme contributes, is to ensure the transparency of the international treaty framework, wider knowledge of the law of treaties and broader participation in multilateral treaties concluded under the auspices of the United Nations and deposited with the Secretary-General.

#### **Strategy**

- 8.138 To contribute to the objective, the subprogramme will undertake the registration and publication of approximately 2,000 treaties and treaty actions each year under Article 102 of the Charter and will provide timely and accurate information relating to deposited treaties, registered treaties and related actions through the electronic dissemination of treaty-related information on the online United Nations Treaty Collection and the publication of the United Nations *Treaty Series*. The subprogramme will also provide legal assistance and advice to States, specialized agencies, United Nations programmes and offices, treaty bodies and other entities on the law of treaties, including final clauses of treaties, the depositary practice of the Secretary-General and the registration and publication of treaties. Such assistance would be provided in particular during the negotiation of multilateral treaties and through the holding of capacity-building seminars at Headquarters and at the national and regional levels, as well as through the elaboration of topical reference publications. Lastly, the subprogramme will fulfil the depositary functions of the Secretary-General in respect of more than 600 multilateral treaties and hold and conduct treaty events, including during the high-level week of the annual session of the General Assembly.
- 8.139 The above-mentioned work is expected to result in:
- (a) Improved access to treaties deposited with the Secretary-General and related treaty actions, including information on their status, and to treaties and related treaty actions submitted for registration and publication with the Secretariat;
  - (b) The prevention of issues of interpretation and implementation of final clauses of multilateral treaties by contracting States and enhanced familiarity and understanding by States of the technical and legal aspects of participating in the multilateral treaty framework and registering treaties;
  - (c) The entry into force of multilateral treaties deposited with the Secretary-General and the universal participation of States in such treaties.

#### **Programme performance in 2020**

- 8.140 Programme performance in 2020 includes the result below that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

##### **Entry into force of three multilateral treaties deposited with the Secretary-General**

- 8.141 Throughout 2020, three multilateral treaties deposited with the Secretary-General met the requirements for their entry into force, namely, the United Nations Convention on International Settlement Agreements Resulting from Mediation, the Treaty on the Prohibition of Nuclear Weapons and the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific.
- 8.142 The subprogramme provided legal advice and services to negotiating States through the different stages of the negotiation, adoption and entry into force of the aforementioned treaties. Prior to their

adoption, the subprogramme provided legal advice to the negotiating States during the negotiation process, including the review of the final clauses of the draft treaties from the perspective of the law of treaties and of the depositary practice of the Secretary-General of the United Nations. In particular, legal advice was provided on provisions on entry into force, amendment procedure, reservations, withdrawal, relation of the treaty provisions with other agreements, the role of the depositary and the role of administrative bodies.

- 8.143 The three multilateral treaties that met the requirements for entry into force in 2020 had been highlighted by the Secretary-General at the annual treaty events organized by the subprogramme in 2017, 2018 and 2019. The subprogramme also organized specific ceremonies during the referred annual treaty events, such as the 2018 and 2019 ceremonies on the Treaty on the Prohibition of Nuclear Weapons, during which 18 States signed the Treaty and 10 States deposited instruments of ratification.
- 8.144 In 2020, the subprogramme continued to review and process treaty actions in connection with the aforementioned multilateral treaties, including the holding of eight ceremonies of signature and the processing of 26 instruments of consent to be bound.

*Progress towards the attainment of the objective, and performance measure*

- 8.145 The above-mentioned work contributed to the objective, as demonstrated by the entry into force of three multilateral treaties deposited with the Secretary-General in the areas of commercial arbitration and mediation, disarmament and international trade and development (see table 8.24).

Table 8.24  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)
The United Nations Convention on International Settlement Agreements Resulting from Mediation is adopted. Thirteen States sign and 17 States deposit instruments of consent to be bound by the Treaty on the Prohibition of Nuclear Weapons or the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific	Sixty-two States sign and 16 States deposit instruments of consent to be bound by the United Nations Convention on International Settlement Agreements Resulting from Mediation, the Treaty on the Prohibition of Nuclear Weapons or the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific	Eight States sign and 26 States deposit instruments of consent to be bound by the United Nations Convention on the International Settlement Agreements Resulting from Mediation, the Treaty on the Prohibition of Nuclear Weapons or the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific. The conditions for the entry into force of the three multilateral treaties were met

**Impact of COVID-19 on subprogramme delivery**

- 8.146 Owing to the impact of COVID-19 during 2020, the subprogramme could not organize the annual treaty event, which takes place on the margins of the high-level week of the General Assembly and relies on the presence of Heads of States and Governments and ministers for foreign affairs in New York. Owing to the pandemic, the general debate during the opening segment of the Assembly was held virtually, having an impact on the holding of the event. The subprogramme also changed the mode of delivery of the two annual seminars on treaty law and practice at United Nations Headquarters from in-person to virtual. In those circumstances, the subprogramme took that opportunity to propose one seminar in French, in addition to English. The virtual seminars confirmed that in-person capacity-building programmes could not be easily replaced by virtual means, which do not allow for the same level of exchanges among participants and Treaty Section staff.

## Planned results for 2022

- 8.147 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

### **Result 1: bringing transparency in the international treaty framework into the twenty-first century<sup>12</sup>**

#### **Programme performance in 2020**

- 8.148 The subprogramme assisted Member States in their review of the regulatory framework for the registration and publication of treaties under Article 102 of the Charter provided under General Assembly resolution [73/210](#). In particular, the subprogramme conducted broad consultation with Member States on the review of the regulations to give effect to Article 102 and prepared a report of the Secretary-General providing information on the practice of registration and publication of treaties and possible options to review the regulations to give effect to Article 102, taking into account outstanding issues identified by Member States ([A/75/136](#)). During consideration of the agenda item by the Sixth Committee at the seventy-fifth session of the Assembly, the subprogramme gave a briefing to delegations on the report of the Secretary-General and assisted members of the Committee throughout the consultation process.
- 8.149 The above-mentioned work contributed to the enhancement of wider knowledge of the law of treaties and of the practice of the Secretariat with respect to the registration and publication of treaties under Article 102 of the Charter. It also contributed to the identification of outstanding issues by Member States and to the determination of possible options for reviewing the regulations to give effect to Article 102, which did not meet the planned target of adoption by Member States of a new regulatory framework that would improve and facilitate the performance by Member States of their obligation to register treaties, reflected in the programme budget for 2020. In its resolution [75/144](#) of 15 December 2020, the General Assembly decided to defer consideration of proposals on the regulations to its seventy-sixth session, taking into account the limitations on meetings within the United Nations premises imposed as precautionary measures to contain the spread of COVID-19.

#### **Proposed programme plan for 2022**

- 8.150 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will continue to provide information on the law of treaties and on the practice of the Secretariat with respect to the registration and publication of treaties and assist Member States in their review of the regulations to give effect to Article 102 during consideration of the agenda item “Strengthening and promoting the international treaty framework” at the seventy-sixth session of the General Assembly. The expected progress is presented in the performance measure below (see table 8.25).

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<sup>12</sup> As reflected in the programme budget for 2020 ([A/74/6/Add.1](#)).

Table 8.25  
Performance measure

<i>2018 (actual)</i>	<i>2019 (actual)</i>	<i>2020 (actual)</i>	<i>2021 (planned)<sup>a</sup></i>	<i>2022 (planned)</i>
Absence of an updated regulatory framework for the registration and publication of treaties under Article 102 of the Charter, as noted in General Assembly resolution <a href="#">73/210</a>	Consultations between Member States on the various options to further review the regulations to give effect to Article 102 of the Charter	Consideration by the Sixth Committee of a report of the Secretary-General providing information on the practice of registration and publication of treaties and possible options to review the regulations to give effect to Article 102, taking into account outstanding issues identified by Member States	Consideration by the Sixth Committee of proposals by Member States with regard to the General Assembly regulations to give effect to Article 102 of the Charter	Implementation of an updated regulatory framework for the registration and publication of treaties under Article 102

<sup>a</sup> The proposed change from the programme budget for 2021 takes into account a decision of the General Assembly to defer consideration of proposals on the regulations to its seventy-sixth session, taking into account the limitations on meetings within the United Nations premises as precautionary measures aimed at containing the spread of COVID-19 (resolution [75/144](#), para. 12).

## Result 2: modern technology solutions available to Member States to enhance the transparency of the international treaty framework<sup>13</sup>

### Programme performance in 2020

- 8.151 The subprogramme provided information to Member States on the development of an online registration tool to facilitate the submission of treaties for registration in the report of the Secretary-General on the review of the regulations to give effect to Article 102 of the Charter ([A/75/136](#)) and during the consideration of that report by the Sixth Committee at the seventy-fifth session. The subprogramme also made progress in the development of a prototype online treaty submission system.
- 8.152 The above-mentioned work contributed to the consideration by the Sixth Committee of proposals by Member States for a possible novel online treaty submission system, which met the planned target of consideration by that Committee of possible updates to the regulations to give effect to Article 102 of the Charter, concerning, in particular, proposals by Member States for such a system, reflected in the programme budget for 2021. In 2020, the possibility of developing such a system was considered by the Sixth Committee at the seventy-fifth session of the General Assembly. Consequently, in its resolution [75/144](#) of 15 December 2020 on strengthening and promoting the international treaty framework, the Assembly noted that most submissions of treaties for registration were in electronic format, and encouraged the Secretary-General to develop, in consultation with and on the basis of feedback from Member States and within existing resources, an online treaty registration system to facilitate submissions of treaties for registration, as an additional option to the existing ways of submission in electronic or hard-copy format.

<sup>13</sup> As reflected in the programme budget for 2021 ([A/75/6/Add.1](#)).



**Proposed programme plan for 2022**

- 8.153 The subprogramme will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the subprogramme will continue to develop, on the basis of feedback from Member States and within existing resources, an online treaty registration system to facilitate submissions of treaties for registration. The expected progress is presented in the performance measure below (see table 8.26).

Table 8.26  
**Performance measure**

<i>2018 (actual)</i>	<i>2019 (actual)</i>	<i>2020 (actual)</i>	<i>2021 (planned)<sup>a</sup></i>	<i>2022 (planned)</i>
Update by the General Assembly of its regulations to give effect to Article 102 of the Charter to provide for electronic submission of treaties and treaty-related actions	Consultations between Member States on outstanding issues regarding the regulations to give effect to Article 102 of the Charter, including on the role of technology in the registration of treaties	The General Assembly encourages the Secretary-General to develop a novel online treaty submission system	Development of an online treaty registration system to facilitate submissions of treaties for registration	Further development, in consultation with and on the basis of feedback from Member States, of an online treaty registration system to facilitate submissions of treaties for registration

<sup>a</sup> The proposed change from the programme budget for 2021 takes into account a decision of the General Assembly to defer consideration of proposals on the regulations to its seventy-sixth session, taking into account the limitations on meetings within the United Nations premises as precautionary measures aimed at containing the spread of COVID-19 (resolution 75/144, para. 12).

**Result 3: enhanced access to information available to Member States on the United Nations Treaty Collection website**

**Proposed programme plan for 2022**

- 8.154 In the discharge of the depositary functions of the Secretary-General under multilateral treaties pursuant to Article 98 of the Charter, the subprogramme maintains an online electronic treaty database providing information on the latest participation status of States in more than 600 multilateral treaties deposited with the Secretary-General, including all signatures, ratifications, acceptances, approvals and accessions thereof. The dissemination of such information, which is presented for each multilateral treaty on a status page accessible through the United Nations Treaty Collection website (<https://treaties.un.org>), ensures the transparency of the international treaty framework and broader participation in multilateral treaties concluded under the auspices of the United Nations.

*Lessons learned and planned change*

- 8.155 The lesson for the subprogramme was that the electronic treaty database does not allow for a readily available consolidated report on the status of participation of a specific State in all multilateral treaties deposited with the Secretary-General. Such reports are often requested by States, for instance in connection with the annual treaty event. Their preparation constitutes a time-consuming task requiring the review of multiple depositary notifications. In applying the lesson and in order to improve its data presentation and reporting options, the subprogramme will continue to enhance its electronic treaty database. This particular challenge will be addressed through the development of a data dashboard allowing consolidated reports, in a graphical format, on the participation status of individual States in all multilateral treaties deposited with the Secretary-General.

*Expected progress towards the attainment of the objective, and performance measure*

- 8.156 This work is expected to contribute to the objective, as demonstrated by the increased transparency of the international treaty framework and the broadening of the participation of States in multilateral treaties deposited with the Secretary-General (see table 8.27).

Table 8.27

**Performance measure**

2018 (actual)	2019 (actual)	2020 (actual)	2021 (planned)	2022 (planned)
—	—	—	Member States have access to information regarding participation in each multilateral treaty deposited with the Secretary-General, through the United Nations Treaty Collection website	Increased transparency of the international treaty framework and broadening of the participation of States in multilateral treaties deposited with the Secretary-General by providing access to the data dashboard on participation in multilateral treaties

**Legislative mandates**

- 8.157 The list below provides all mandates entrusted to the subprogramme.

*Charter of the United Nations*

Article 98

Article 102

*General Assembly resolutions*

23 (I)	Registration of treaties and international agreements	55/2	United Nations Millennium Declaration
24 (I)	Transfer of certain functions, activities and assets of the League of Nations	56/77; 58/73; 60/19; 62/62; 68/110	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
97 (I)	Registration and publication of treaties and international agreements: regulations to give effect to Article 102 of the Charter of the United Nations	62/70; 70/118 62/272	The rule of law at the national and international levels The United Nations Global Counter-Terrorism Strategy
364 (IV); 482 (V)	Registration and publication of treaties and international agreements	63/128	The rule of law at the national and international levels
33/141	Registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations	64/179	Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity
51/158	Electronic treaty database		
52/153; 54/28	United Nations Decade of International Law	73/210; 75/144	Strengthening and promoting the international treaty framework

## Deliverables

8.158 Table 8.28 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.28

### Subprogramme 6: deliverables for the period 2020–2022, by category and subcategory

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>1</b>	<b>1</b>	–	–
1. Report to the General Assembly under the item entitled “Strengthening and promoting the international treaty framework”	1	1	–	–
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>9</b>	<b>5</b>	–	–
2. Meetings of the Sixth Committee of the General Assembly (informal consultations and plenary meetings)	9	5	–	–
<b>B. Generation and transfer of knowledge</b>				
<b>Seminars, workshops and training events</b> (number of days)	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
3. Seminar on treaty law and practice at United Nations Headquarters	2	2	2	2
<b>Publications</b> (number of publications)	<b>37</b>	<b>40</b>	<b>38</b>	<b>38</b>
4. United Nations <i>Treaty Series</i> volumes	37	40	38	38
<b>C. Substantive deliverables</b>				
<b>Consultation, advice and advocacy:</b> advice to intergovernmental bodies on final clauses and the law of treaties during the negotiations of treaties to be deposited with the Secretary-General; and consultation and legal advice concerning the law of treaties, depositary practice and registration of treaties to States, international organizations, secretariats and treaty bodies.				
<b>Databases and substantive digital materials:</b> depositary notifications on treaty actions (signature, acceptance, approval, ratification, accession, succession, reservation, objection, declaration, etc.) and formalities (amendment, correction, entry into force, etc.) regarding multilateral treaties deposited with the Secretary-General; original of treaties and certified true copies of treaties deposited with the Secretary-General; certificates of registration and other registration documents regarding treaties and treaty actions registered and filed and recorded by Member States and other entities; and updating and maintenance of the United Nations Treaty Collection database.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> annual treaty event during the opening session of the General Assembly and special treaty events dedicated to a particular treaty deposited with the Secretary-General.				
<b>Digital platforms and multimedia content:</b> up-to-date content for the Treaty Section website.				
<b>E. Enabling deliverables</b>				
<b>Legal services:</b> legal advice to and support for United Nations offices, departments and regional commissions on the law of treaties, depositary practice and the registration of treaties.				

## B. Proposed post and non-post resource requirements for 2022

### Overview

8.159 The proposed regular budget resources for 2022, including the breakdown of resource changes, as applicable, are reflected in tables 8.29 to 8.31.

Table 8.29

#### Overall: evolution of financial resources by object of expenditure

(Thousands of United States dollars)

Object of expenditure	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Post	21 772.2	22 584.9	41.3	—	—	41.3	0.2	22 626.2
Other staff costs	404.1	433.7	—	—	(33.9)	(33.9)	(7.8)	399.8
Non-staff compensation	—	0.1	—	—	—	—	—	0.1
Hospitality	—	0.7	—	—	—	—	—	0.7
Consultants	98.2	223.5	(22.4)	22.0	—	(0.4)	(0.2)	223.1
Experts	4.1	173.0	—	581.5	(1.8)	579.7	335.1	752.7
Travel of representatives	4.9	1 490.9	—	—	—	—	—	1 490.9
Travel of staff	79.7	362.6	—	74.8	83.6	158.4	24.4	521.0
Contractual services	666.3	914.9	(24.2)	—	(5.4)	(29.6)	(3.2)	885.3
General operating expenses	298.6	319.7	(1.3)	—	(5.5)	(6.8)	(2.1)	312.9
Supplies and materials	18.4	41.3	—	—	(6.0)	(6.0)	(14.5)	35.3
Furniture and equipment	43.9	74.8	(12.2)	—	(1.0)	(13.2)	(17.6)	61.6
Improvement of premises	—	20.9	(20.9)	—	—	(20.9)	(100.0)	—
Grants and contributions	53.2	251.5	—	—	—	—	—	251.5
Other	(0.1)	—	—	—	—	—	—	—
<b>Total</b>	<b>23 443.3</b>	<b>26 892.5</b>	<b>(39.7)</b>	<b>678.3</b>	<b>30.0</b>	<b>668.6</b>	<b>2.5</b>	<b>27 561.1</b>

Table 8.30

#### Overall: proposed posts and post changes for 2022

(Number of posts)

	Number	Details
Approved for 2021	144	1 USG, 1 ASG, 4 D-2, 7 D-1, 19 P-5, 22 P-4, 25 P-3, 14 P-2/1, 11 GS (PL), 40 GS (OL)
Post changes	—	
Proposed for 2022	144	1 USG, 1 ASG, 4 D-2, 7 D-1, 19 P-5, 22 P-4, 25 P-3, 14 P-2/1, 11 GS (PL), 40 GS (OL)

*Note:* The following abbreviations are used in tables and figures: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level); USG, Under-Secretary-General.

Table 8.31

**Overall: proposed posts by category and grade<sup>a</sup>**

(Number of posts)

Category and grade	2021 approved	Changes			Total	2022 proposed
		Technical adjustments	New/expanded mandates	Other		
Professional and higher						
USG	1	—	—	—	—	1
ASG	1	—	—	—	—	1
D-2	4	—	—	—	—	4
D-1	7	—	—	—	—	7
P-5	19	—	—	—	—	19
P-4	22	—	—	—	—	22
P-3	25	—	—	—	—	25
P-2/1	14	—	—	—	—	14
Subtotal	93	—	—	—	—	93
General Service and related						
GS (PL)	11	—	—	—	—	11
GS (OL)	40	—	—	—	—	40
Subtotal	51	—	—	—	—	51
Total	144	—	—	—	—	144

<sup>a</sup> Includes three temporary posts (1 P-3, 1 P-2/1 and 1 General Service (Other level)) that were approved pursuant to General Assembly resolution [75/239](#).

- 8.160 Additional details on the distribution of the proposed resources for 2022 are reflected in tables 8.32 to 8.34 and figure 8.IV.
- 8.161 As reflected in tables 8.32 (1) and 8.33 (1), the overall resources proposed for 2022 amount to \$27,561,100 before recosting, reflecting a net increase of \$668,600 (or 2.5 per cent) compared with the appropriation for 2021. Resource changes result from three factors, namely: (a) technical adjustments; (b) new and expanded mandates; and (c) other changes. The proposed level of resources provides for the full, efficient and effective implementation of mandates.

Table 8.32

**Overall: evolution of financial resources by source of funding, component and subprogramme**

(Thousands of United States dollars)

(1) *Regular budget*

Component/subprogramme	2020 expenditure	2021 appropriation	Changes					2021 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
A. Policymaking organs	130.3	1 696.4	—	—	99.3	99.3	5.9	1 795.7
B. Executive direction and management	1 047.9	1 147.3	—	—	0.4	0.4	0.0	1 147.7
C. Programme of work								
1. Provision of legal services to the United Nations system as a whole	2 183.3	1 944.2	—	—	(7.0)	(7.0)	(0.4)	1 937.2
2. General legal services provided to United Nations organs and programmes	3 413.0	3 722.8	(15.0)	—	(9.6)	(24.6)	(0.7)	3 698.2
3. Progressive development and codification of international law	3 285.2	4 409.5	—	—	—	—	—	4 409.5
4. Law of the sea and ocean affairs	5 392.1	6 208.4	(24.7)	678.3	(13.3)	640.3	10.3	6 848.7
5. Progressive harmonization, modernization and unification of the law of international trade	3 281.5	3 438.1	—	—	(34.5)	(34.5)	(1.0)	3 403.6
6. Custody, registration and publication of treaties	3 851.6	3 417.2	—	—	—	—	—	3 417.2
<b>Subtotal, C</b>	<b>21 406.7</b>	<b>23 140.2</b>	<b>(39.7)</b>	<b>678.3</b>	<b>(64.4)</b>	<b>574.2</b>	<b>2.5</b>	<b>23 714.4</b>
D. Programme support	858.6	908.6	—	—	(5.3)	(5.3)	(0.6)	903.3
<b>Subtotal, 1</b>	<b>23 443.3</b>	<b>26 892.5</b>	<b>(39.7)</b>	<b>678.3</b>	<b>30.0</b>	<b>668.6</b>	<b>2.5</b>	<b>27,561.1</b>

(2) *Other assessed*

Component/subprogramme	2020 expenditure	2021 estimate	Change	Percentage	2022 estimate
A. Policymaking organs	—	—	—	—	—
B. Executive direction and management	72.0	121.9	—	—	121.9
C. Programme of work					
1. Provision of legal services to the United Nations system as a whole	1 298.6	1 366.7	163.2	11.9	1 529.9
2. General legal services provided to United Nations organs and programmes	2 258.3	2 790.5	425.6	15.3	3 216.1
3. Progressive development and codification of international law	—	—	—	—	—
4. Law of the sea and ocean affairs	—	—	—	—	—
5. Progressive harmonization, modernization and unification of the law of international trade	—	—	—	—	—
6. Custody, registration and publication of treaties	—	—	—	—	—
<b>Subtotal, C</b>	<b>3 556.9</b>	<b>4 157.2</b>	<b>588.8</b>	<b>14.2</b>	<b>4 746.0</b>

**Section 8 Legal affairs**

<i>Component/subprogramme</i>	<i>2020 expenditure</i>	<i>2021 estimate</i>	<i>Change</i>	<i>Percentage</i>	<i>2022 estimate</i>
D. Programme support	—	—	—	—	—
<b>Subtotal, 2</b>	<b>3 628.9</b>	<b>4 279.1</b>	<b>588.8</b>	<b>13.8</b>	<b>4 867.9</b>

**(3) Extrabudgetary**

<i>Component/subprogramme</i>	<i>2020 expenditure</i>	<i>2021 estimate</i>	<i>Change</i>	<i>Percentage</i>	<i>2022 estimate</i>
A. Policymaking organs	—	—	—	—	—
B. Executive direction and management	330.6	353.2	(106.8)	(30.2)	246.4
C. Programme of work					
1. Provision of legal services to the United Nations system as a whole	998.6	1 188.2	(169.5)	(14.3)	1 018.7
2. General legal services provided to United Nations organs and programmes	2 060.2	2 502.1	—	—	2 502.1
3. Progressive development and codification of international law	72.9	285.5	(182.7)	(64.0)	102.8
4. Law of the sea and ocean affairs	863.9	3 487.2	248.2	7.1	3 735.4
5. Progressive harmonization, modernization and unification of the law of international trade	683.4	1 422.2	42.9	3.0	1 465.0
6. Custody, registration and publication of treaties	—	—	—	—	—
<b>Subtotal, C</b>	<b>4 679.0</b>	<b>8 885.2</b>	<b>(61.1)</b>	<b>(0.7)</b>	<b>8 824.0</b>
D. Programme support	167.7	304.2	—	—	304.2
<b>Subtotal, 3</b>	<b>5 177.3</b>	<b>9 542.6</b>	<b>(168.0)</b>	<b>(1.8)</b>	<b>9 374.6</b>
<b>Total</b>	<b>32 249.5</b>	<b>40 714.2</b>	<b>1 089.4</b>	<b>2.7</b>	<b>41 803.6</b>

Table 8.33

**Overall: proposed posts for 2022 by source of funding, component and subprogramme**

(Number of posts)

**(1) Regular budget**

<i>Component/subprogramme</i>	<i>2021 approved</i>	<i>Changes</i>				<i>2022 proposed</i>
		<i>Technical adjustments</i>	<i>New/expanded mandates</i>	<i>Other</i>	<i>Total</i>	
A. Policymaking organs	—	—	—	—	—	—
B. Executive direction and management	7	—	—	—	—	7
C. Programme of work						
1. Provision of legal services to the United Nations system as a whole	11	—	—	—	—	11
2. General legal services provided to United Nations organs and programmes	21	—	—	—	—	21
3. Progressive development and codification of international law	21	—	—	—	—	21
4. Law of the sea and ocean affairs	35	—	—	—	—	35

**Part III International justice and law**

Component/subprogramme	2021 approved	Changes				2022 proposed
		Technical adjustments	New/expanded mandates	Other	Total	
5. Progressive harmonization, modernization and unification of the law of international trade	19	—	—	—	—	19
6. Custody, registration and publication of treaties	25	—	—	—	—	25
<b>Subtotal, C</b>	<b>132</b>	—	—	—	—	<b>132</b>
D. Programme support	5	—	—	—	—	5
<b>Subtotal, 1</b>	<b>144</b>	—	—	—	—	<b>144</b>

(2) *Other assessed*

Component/subprogramme	2021 estimate	Change	2022 estimate
A. Policymaking organs	—	—	—
B. Executive direction and management	—	—	—
C. Programme of work			
1. Provision of legal services to the United Nations system as a whole	6	—	6
2. General legal services provided to United Nations organs and programmes	13	—	13
3. Progressive development and codification of international law	—	—	—
4. Law of the sea and ocean affairs	—	—	—
5. Progressive harmonization, modernization and unification of the law of international trade	—	—	—
6. Custody, registration and publication of treaties	—	—	—
<b>Subtotal, C</b>	<b>19</b>	—	<b>19</b>
D. Programme support	—	—	—
<b>Subtotal, 2</b>	<b>19</b>	—	<b>19</b>

(3) *Extrabudgetary*

Component/subprogramme	2021 estimate	Change	2022 estimate
A. Policymaking organs	—	—	—
B. Executive direction and management	1	—	1
C. Programme of work			
1. Provision of legal services to the United Nations system as a whole	4	—	4
2. General legal services provided to United Nations organs and programmes	11	—	11
3. Progressive development and codification of international law	—	—	—
4. Law of the sea and ocean affairs	4	—	4
5. Progressive harmonization, modernization and unification of the law of international trade	7	(1)	6



<i>Component/subprogramme</i>	<i>2021 estimate</i>	<i>Change</i>	<i>2022 estimate</i>
6. Custody, registration and publication of treaties	–	–	–
<b>Subtotal, C</b>	<b>27</b>	<b>(1)</b>	<b>26</b>
D. Programme support	2	–	2
<b>Subtotal, 3</b>	<b>29</b>	<b>(1)</b>	<b>28</b>
<b>Total</b>	<b>192</b>	<b>(1)</b>	<b>191</b>

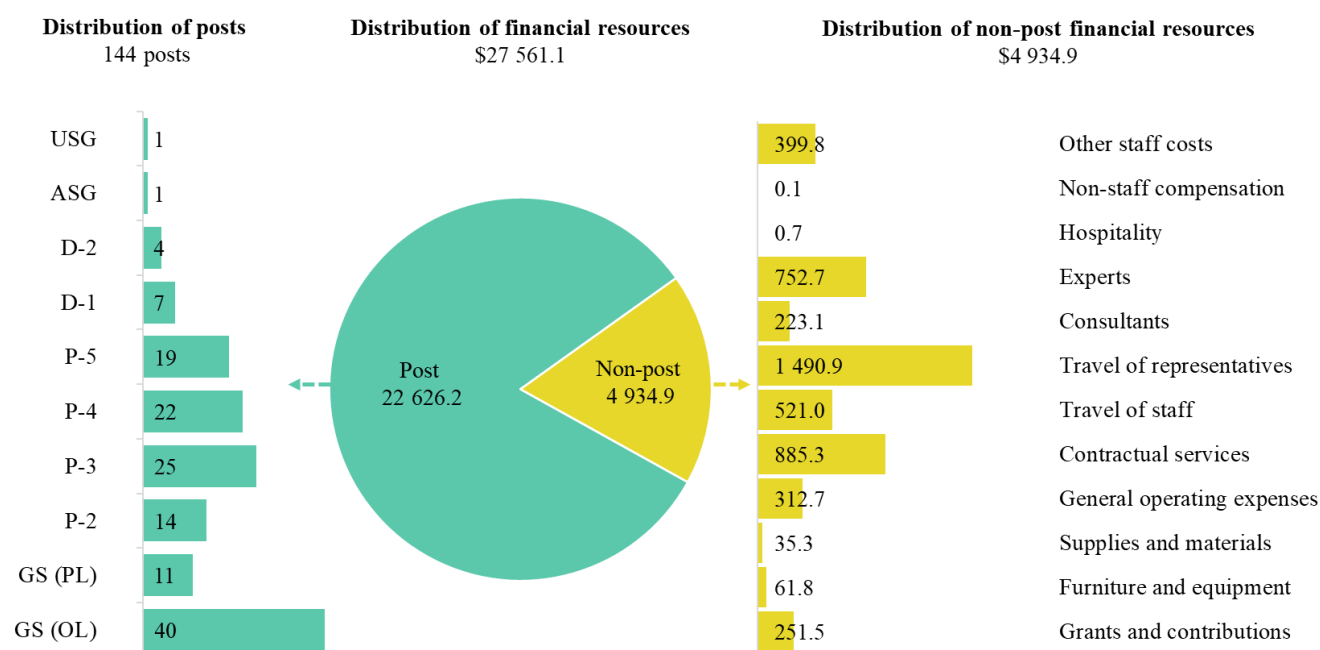
Table 8.34

**Overall: evolution of financial and post resources**

(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	21 772.2	22 584.9	41.3	–	–	41.3	0.2	22 626.2
Non-post	1 671.1	4 307.6	(81.0)	678.3	30.0	627.3	14.6	4 934.9
Total	23 443.3	26 892.5	(39.7)	678.3	30.0	668.6	2.5	27 561.1
Post resources by category								
Professional and higher		93	–	–	–	–	–	93
General Service and related		51	–	–	–	–	–	51
Total		144	–	–	–	–	–	144

Figure 8.IV  
**Distribution of proposed resources for 2022 (before recosting)**  
 (Number of posts/thousands of United States dollars)



## Explanation of variances by factor, component and subprogramme

### Overall resource changes

#### Technical adjustments

8.162 As reflected in table 8.32 (1), resource changes reflect a net decrease of \$39,700, as follows:

- (a) **Subprogramme 2, General legal services provided to United Nations organs and programmes.** The decrease of \$15,000 relates to the removal of requirements for a Legal Assistant (General Service (Other level)) post that was valid for two months in 2021. The post was abolished with effect from 1 March 2021 pursuant to General Assembly resolution [75/252](#);
- (b) **Subprogramme 4, Law of the sea and ocean affairs.** The net decrease of \$24,700 comprises:
  - (i) A decrease of \$22,400 under consultants, reflecting the removal of non-recurrent provisions required to support the work related to the sub-item entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instrument”, of the item entitled “Oceans and the law of the sea”, pursuant to General Assembly resolution [74/18](#);
  - (ii) A decrease of \$58,600 under contractual services (\$24,200), general operating expenses (\$1,300), furniture and equipment (\$12,200) and improvement of premises (\$20,900), relating to the removal of non-recurrent provisions to support the first year of the third cycle of the Regular Process for the period 2021–2025, pursuant to resolution [75/239](#) on oceans and the law of the sea;
  - (iii) An increase of \$56,300 under post resources, relating to the delayed impact of a newly established Associate Programme Management Officer (P-2) post in 2021, which was

subject to a 50 per cent vacancy rate in accordance with the established practice for new posts. The post was approved to support the third cycle of the Regular Process, pursuant to Assembly resolution [75/239](#).

### New and expanded mandates

- 8.163 As reflected in table 8.32 (1), resource changes reflect a net increase of \$678,300 under subprogramme 4, Law of the sea and ocean affairs, which would provide for the travel of regional experts (\$581,500) and the official travel of staff (\$74,800) to attend and support the second year of the third cycle of the Regular Process, pursuant to General Assembly resolution [75/239](#). In addition, a non-recurrent amount of \$22,000 is proposed for consultancy services to support the analysis of relevant technical and scientific issues to assist the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in discharging its mandate pursuant to General Assembly resolution [75/89](#) on sustainable fisheries, including through the Fish Stocks Agreement and related instruments.

### Other changes

- 8.164 As reflected in table 8.32 (1), resource changes reflect a net increase of \$30,000, as follows:

- (a) **Policymaking organs.** The increase of \$99,300 relates to a requirement under travel of staff to support the fifty-fifth session of UNCITRAL, which in 2022 is scheduled to be held in New York (\$29,500), and the work of the International Law Commission during its 2022 session, which is scheduled to be held in Geneva (\$69,800). The proposed increase takes into account the reduced travel resources approved by the General Assembly in its resolution [75/252](#);
- (b) **Executive direction and management.** The increase of \$400 relates to travel requirements to support meetings of the United Nations Legal Advisers Network and for attendance at the meetings of the International Law Commission. The increase takes into account the reduced travel resources approved by the Assembly in its resolution [75/252](#);
- (c) **Subprogramme 1, Provision of legal services to the United Nations system as a whole.** The decrease of \$7,000 under travel of staff (\$2,200) and contractual services (\$4,800) relates to build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic, mainly the increased use of videoconferencing and virtual platforms to attend meetings, in lieu of in-person attendance at such events, and the provision of advice on various legal matters virtually;
- (d) **Subprogramme 2, General legal services provided to United Nations organs and programmes.** The decrease of \$9,600 under travel of staff relates to build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic. Such efforts include the increased use of videoconferencing and virtual platforms to attend meetings, in lieu of in-person attendance at such events, and the provision of advice on various legal matters virtually;
- (e) **Subprogramme 4, Law of the sea and ocean affairs.** The decrease of \$13,300 under travel of staff relates to build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic. Such efforts include the increased use of videoconferencing and virtual platforms to attend meetings, in lieu of in-person attendance at such events, including the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity, UN-Oceans and the Conference of the Parties to the United Nations Framework Convention on Climate Change;
- (f) **Subprogramme 5, Progressive harmonization, modernization and unification of the law of international trade.** The net decrease of \$34,500 comprises:

- (i) A decrease of \$35,700 under other staff costs (\$33,900) and experts (\$1,800) owing to the postponement of the UNCITRAL meeting to 2023, which reduces the requirements for 2022. Part of the decrease will cover the additional requirements proposed under policymaking organs (see para. 8.163 (a));
- (ii) A decrease of \$3,200 under general operating expenses (\$2,900) and supplies and materials (\$300) that relates to build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic, including increased online communication and the conduct of expert group meetings by videoconference, resulting in lower requirements for printing and supplies to support in-person meetings;
- (iii) An increase of \$4,400 under contractual services that relates to individual contractor services required for servicing the fifty-fifth session of UNCITRAL in New York;
- (g) **Programme support.** The decrease of \$5,300 under general operating expenses (\$2,800), supplies and materials (\$1,200), furniture and equipment (\$800) and contractual services (\$500) relates to build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic. Such efforts include the increased use of videoconferencing and virtual platforms to attend meetings and the increased use of online communication, as opposed to printing, mail and pouch services.

#### Other assessed resources

- 8.165 As reflected in tables 8.32 (2) and 8.33 (2), projected other assessed resources for 2022 of \$4,867,900, including 19 posts, will be utilized to support the activities of the Office of Legal Affairs in relation to peacekeeping activities (\$4,669,000) and the International Residual Mechanism for Criminal Tribunals (\$198,900). This reflects an increase of \$588,800 compared with the estimate for 2021, mainly owing to updated standard salary costs and lower vacancy rates, as reflected in the report of the Secretary-General on the budget for the support account for peacekeeping operations for the period from 1 July 2021 to 30 June 2022 ([A/75/785](#)). Other assessed resources represent 11.6 per cent of the total resources of the Office of Legal Affairs.

#### Extrabudgetary resources

- 8.166 As reflected in tables 8.32 (3) and 8.33 (3), the Office of Legal Affairs expects to continue to receive both cash and in-kind contributions, which would complement regular budget resources and continue to be vital for the delivery of its mandates. For 2022, extrabudgetary resources are estimated at \$9,374,600 and would provide for 28 posts, as presented in table 8.33 (3). The resources would be used mainly to support the Office in providing legal advice and assistance to facilitate the implementation of substantive mandates, and to protect the legal interests and minimize the legal liabilities of the United Nations, including, but not limited to, with regard to: (a) legal support and assistance in response to requests made by principal and subsidiary organs of the United Nations; (b) meeting the significant demand for international law training and dissemination under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; (c) promoting and strengthening the law of the sea for the peaceful use of the oceans and sustainable development; and (d) providing support for the progressive improvement, harmonization, understanding, knowledge, interpretation and application of international trade law and for the coordination of the work of international organizations active in that field. Extrabudgetary resources represent 22.4 per cent of the total resources of the Office of Legal Affairs.
- 8.167 Anticipated in-kind contributions with an estimated value of \$288,700 will provide for: (a) donated right-to-use arrangements under a memorandum of understanding between the United Nations, the Ministry of Justice of the Republic of Korea and the city of Incheon regarding the operation of and financial contributions to the UNCITRAL Regional Centre for Asia and the Pacific (\$31,900); (b) other services, such as expert advice from two legal experts, for the Regional Centre for Asia and the Pacific (\$116,800); and (c) technical assistance, administrative support and other services as a contribution for the United Nations World Oceans Day event (\$140,000).

- 8.168 The extrabudgetary resources under this section are subject to the oversight of the Office of Legal Affairs, which has delegated authority from the Secretary-General.

### Polymaking organs

- 8.169 The resources proposed under this component would provide for requirements relating to standing intergovernmental organs and expert bodies. Table 8.35 provides information on the standing intergovernmental organs and related resource requirements under the regular budget.

Table 8.35

#### Polymaking organs

(Thousands of United States dollars)

<i>Polymaking organ</i>	<i>Description</i>	<i>Additional information</i>	<i>2021 appropriation</i>	<i>2022 estimate (before recosting)</i>
International Law Commission	Pursuant to Article 13, paragraph 1 (a), of the Charter, the General Assembly, by its resolution 174 (II), established the International Law Commission and approved its statute (see resolution 174 (II), annex, as amended by resolutions 485 (V), 984 (X), 985 (X) and 36/39). The Commission has as its objective the promotion of the progressive development of international law and its codification. It consists of 34 members who are persons of recognized competence in international law. The Commission holds an annual session in Geneva of 10 to 12 weeks' duration and reports to the Assembly, which provides guidance to the Commission on its programme of work through annual resolutions on the reports of the Commission. Since 2000, as mandated by the Assembly, the Commission has held split annual sessions up to a total of 12 weeks. The length of the session is recommended by the Commission at its previous session and approved by the Assembly. The Codification Division of the Office of Legal Affairs provides the substantive servicing of the Commission.	Mandate: Article 13 (1) (a) of the Charter Membership: 34 experts Number of sessions in 2022: 1 session	1 593.5	1 663.3
UNCITRAL	Comprising 60 Member States, UNCITRAL is mandated, pursuant to Assembly resolution 2205 (XXI), to further the progressive harmonization and modernization of the law of international trade, which corresponds to subprogramme 5. The Commission carries out its tasks, with the assistance of the International Trade Law Division as its secretariat, in one annual meeting of up to four weeks' duration and in six working group meetings on specialized topics of up to 12 weeks' duration per year.	Mandate: Assembly resolution 2205 (XXI) Membership: 60 Member States Number of sessions in 2022: 1	102.9	132.4
<b>Total</b>			<b>1 696.4</b>	<b>1 795.7</b>

- 8.170 The proposed regular budget resources for 2022 amount to \$1,795,700 and reflect an increase of \$99,300 compared with the appropriation for 2021. The proposed increase of \$99,300 is explained in paragraph 8.163 (a) above. Additional details on the distribution of the proposed resources for 2022 are reflected in table 8.36 and figure 8.V.

Table 8.36

**Policymaking organs: evolution of financial resources**

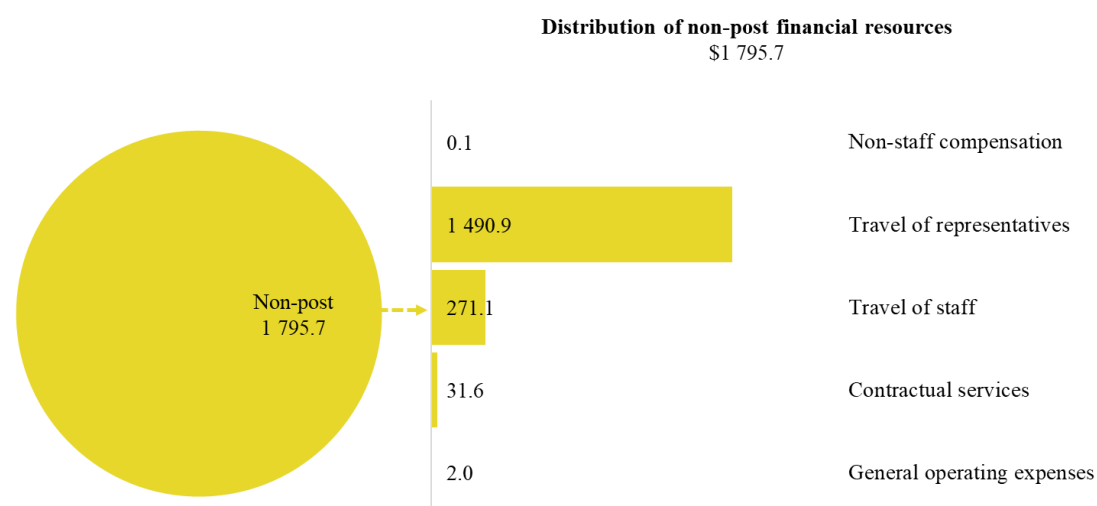
(Thousands of United States dollars)

	2020 expenditure	2021 appropriation	Changes				2022 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other	Total	Percentage
Non-post	130.3	1 696.4	–	–	99.3	99.3	5.9
<b>Total</b>	<b>130.3</b>	<b>1 696.4</b>	<b>–</b>	<b>–</b>	<b>99.3</b>	<b>99.3</b>	<b>5.9</b>

Figure 8.V

**Policymaking organs: distribution of proposed resources for 2022 (before recosting)**

(Thousands of United States dollars)

**Executive direction and management**

- 8.171 The Under-Secretary-General for Legal Affairs, the Legal Counsel, is responsible for the overall policy direction, supervision, administration and management of the Office of Legal Affairs. He represents the Secretary-General at meetings and conferences of a legal nature and in judicial and arbitral proceedings, certifies legal instruments issued on behalf of the United Nations, convenes meetings of the legal advisers of the United Nations system and represents the Organization at such meetings.
- 8.172 The Office of the Under-Secretary-General for Legal Affairs supports the Legal Counsel in the timely discharge of his responsibilities and in the management of the Office of Legal Affairs, which includes monitoring the resources of the Office to address the changing organizational needs and workload and to improve the Office's management systems. The Office of the Under-Secretary-General supports the Legal Counsel in formulating recommendations to the Secretary-General in interdepartmental and inter-agency bodies, in the coordination of the United Nations Legal Advisers Network and in the provision of legal advice to high-level inter-agency bodies. Through its Evaluation and Strategic Planning Unit, the Office ensures the consistent monitoring and self-evaluation of subprogrammes and supports subprogrammes with the identification, development and review of monitoring and self-evaluation methodologies and practices. The Unit also coordinates the working groups on monitoring and evaluation and on the Sustainable Development Goals within the Office of Legal Affairs. The Office of the Under-Secretary-General acts as the focal point for

information on all aspects of the work of the Office of Legal Affairs, coordinates interdepartmental activities and consults and negotiates with other departments, offices, subsidiary bodies and related agencies of the United Nations system on matters of mutual concern.

- 8.173 As part of its commitment to the aims and goals of the 2030 Agenda and international agreements on climate change and the protection of the environment, the Office of Legal Affairs is integrating environmental management practices into its operations, including by decreasing its carbon footprint by: (a) encouraging the use of videoconference facilities for interviews and meetings, in particular in the light of the COVID-19 pandemic; (b) reducing print services and ensuring that all printers are set to double-sided printing; and (c) encouraging staff to turn off computers and monitors at the end of the workday.
- 8.174 Information on compliance with the timely submission of documentation and advance booking for air travel is reflected in table 8.37. In the first quarter of 2020, travel booking timeliness was affected by the liquidity situation of the programme budget, whereby the normal ticketing of travel was not possible owing to a lack of funds. Furthermore, in 2020, the travel of staff was impacted by the COVID-19 pandemic. A directive was distributed to raise awareness among staff and emphasize the importance of the requirement to comply with the advance purchase rule. Managers are asked to implement preventive and monitoring corrective measures. Compliance rates are monitored, and statistics and trends are distributed to managers on a quarterly basis.

Table 8.37  
**Compliance rate**  
(Percentage)

	Actual 2019	Actual 2020	Planned 2021	Planned 2022
Timely submission of documentation	100	100	100	100
Air tickets purchased at least 2 weeks before the commencement of travel	79	72	100	100

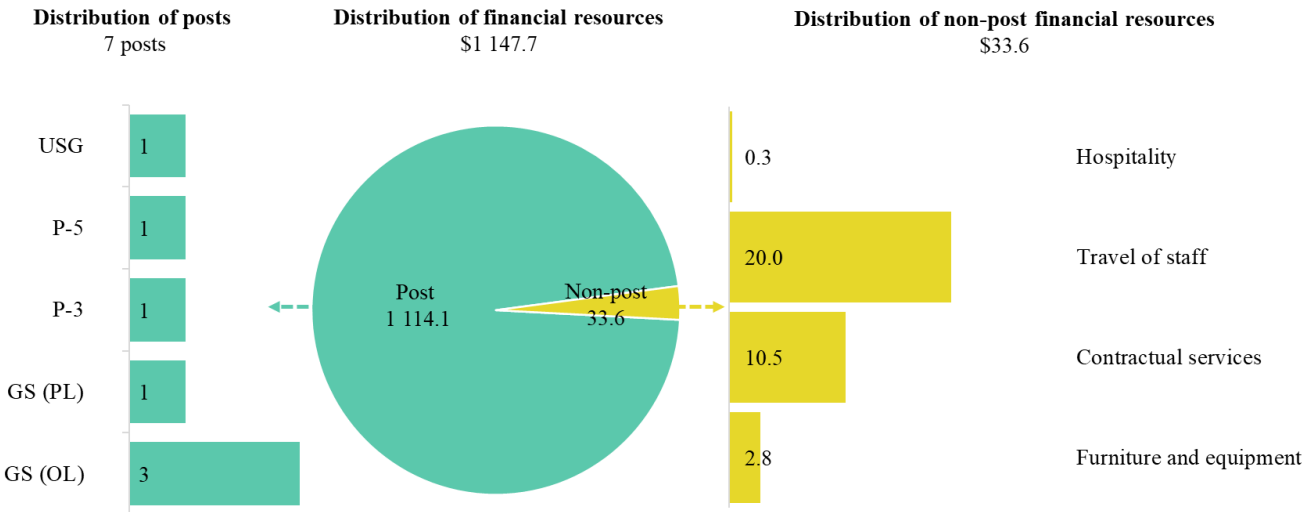
- 8.175 The proposed regular budget resources for 2022 amount to \$1,147,700 and reflect an increase of \$400 compared with the appropriation for 2021. The proposed increase is explained in paragraph 8.163 (b) above. Additional details on the distribution of the proposed resources for 2022 are reflected in table 8.38 and figure 8.VI.

Table 8.38  
**Executive direction and management: evolution of financial and post resources**  
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	1 024.7	1 114.1	—	—	—	—	—	1 114.1
Non-post	23.1	33.2	—	—	0.4	0.4	1.2	33.6
Total	1 047.9	1 147.3	—	—	0.4	0.4	0.0	1 147.7
Post resources by category								
Professional and higher		3	—	—	—	—	—	3
General Service and related		4	—	—	—	—	—	4
Total		7	—	—	—	—	—	7

Figure 8.VI  
**Executive direction and management: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)



**Other assessed resources**

- 8.176 Other assessed resources for the Office of the Legal Counsel are estimated at \$121,900 and would provide for non-post resources to support peacekeeping operations. In the context of peacekeeping operations, the Office provides legal support and assistance to facilitate the implementation of substantive mandates, and to protect the legal interests and minimize the legal liabilities of the United Nations.

**Extrabudgetary resources**

- 8.177 Extrabudgetary resources for the Office of the Legal Counsel are estimated at \$246,400 and would provide for one post at the P-4 level, as well as non-post resources, to support the Evaluation and Strategic Planning Unit in its monitoring and evaluation functions. The resources would be used mainly to strengthen the Office's self-evaluation efforts, including through incorporation of the United Nations Evaluation Group standards and best practices, in particular regarding gender and human rights perspectives, based on the evaluation policy adopted in 2020. The expected decrease of \$106,800 is due to the completion of a one-time project to support the provision of legal advice regarding memorandums of understanding concluded between the United Nations and third parties.

**Programme of work**

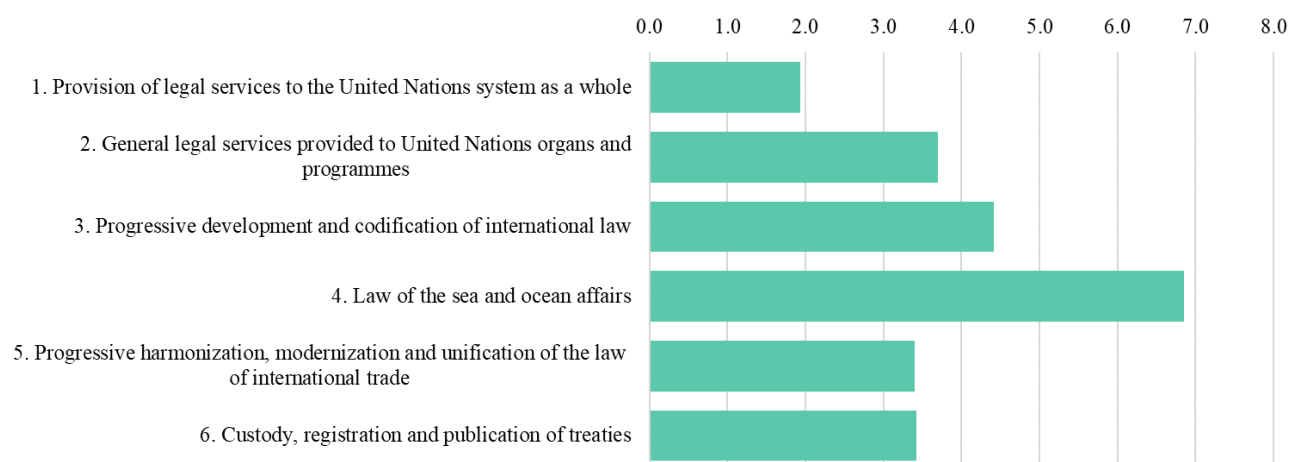
- 8.178 The proposed regular budget resources for 2022 amount to \$23,714,400 and reflect a net increase of \$574,200 compared with the appropriation for 2021. The proposed increase is explained in paragraphs 8.161 to 8.163 above. The distribution of resources by subprogramme is reflected in figure 8.VII.



Figure 8.VII

**Distribution of proposed resources for 2022 by subprogramme**

(Millions of United States dollars)

**Subprogramme 1****Provision of legal services to the United Nations system as a whole**

8.179 The proposed regular budget resources for 2022 amount to \$1,937,200 and reflect a decrease of \$7,000 compared with the appropriation for 2021. Additional details on the distribution of the proposed resources for 2022 are reflected in table 8.39 and figure 8.VIII.

Table 8.39

**Subprogramme 1: evolution of financial and post resources**

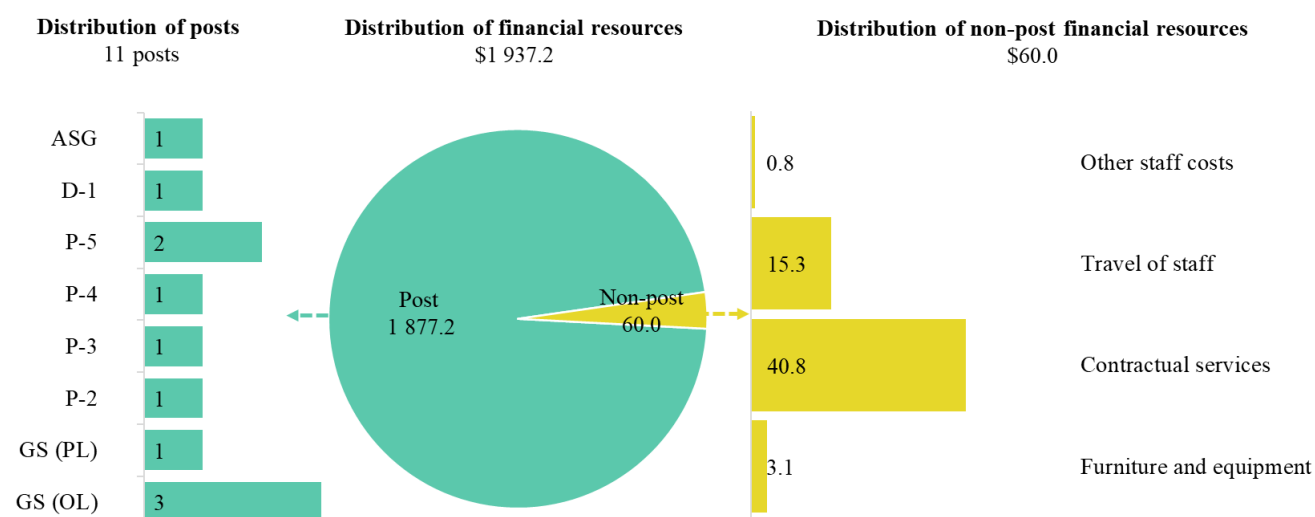
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	2 154.6	1 877.2	—	—	—	—	—	1 877.2
Non-post	28.7	67.0	—	—	(7.0)	(7.0)	(10.4)	60.0
Total	2 183.3	1 944.2	—	—	(7.0)	(7.0)	(0.4)	1 937.2
Post resources by category								
Professional and higher		7	—	—	—	—	—	7
General Service and related		4	—	—	—	—	—	4
Total		11	—	—	—	—	—	11

Figure 8.VIII

**Subprogramme 1: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)

**Other assessed resources**

- 8.180 Other assessed resources for the subprogramme are estimated at \$1,529,900 and would provide for six posts (1 P-5, 3 P-4, 1 P-2/1 and 1 General Service (Other level)), as well as non-post resources, to support peacekeeping operations and the International Residual Mechanism for Criminal Tribunals. The resources would be used mainly to provide legal advice and assistance on a wide range of operational and support matters, including: advice on the interpretation and implementation of mandates, including the application of rules of engagement and other directives on the use of force; legal advice relating to human rights, humanitarian law and international criminal law; legal arrangements with host Governments and contributing Governments, including privileges and immunities; and legal arrangements with other international organizations and partners. The expected increase of \$163,200 is due mainly to updated salary costs, vacancy rates and estimated travel requirements for 2022, as reflected in the Secretary-General's report on the budget for the support account for peacekeeping operations for the period from 1 July 2021 to 30 June 2022 ([A/75/785](#)).

**Extrabudgetary resources**

- 8.181 Extrabudgetary resources for the subprogramme are estimated at \$1,018,700 and would provide for four posts (1 D-1, 2 P-3 and 1 P-2/1), as well as non-post resources, to support the Office of Legal Affairs in providing centralized legal support and assistance to facilitate the implementation of substantive mandates, and to protect the legal interests and minimize the legal liabilities of the United Nations. The resources will be used mainly to provide legal support to the United Nations Development Coordination Office, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and United Nations entities in cooperation with the International Criminal Court, in accordance with the Relationship Agreement between the United Nations and the International Criminal Court. The expected decrease of \$169,500 is due mainly to the decrease in the number of new applications to the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice.

## Subprogramme 2

### General legal services provided to United Nations organs and programmes

8.182 The proposed regular budget resources for 2022 amount to \$3,698,200 and reflect a decrease of \$24,600 compared with the appropriation for 2021. Additional details on the distribution of proposed resources for 2022 are reflected in table 8.40 and figure 8.IX.

Table 8.40

#### Subprogramme 2: evolution of financial and post resources

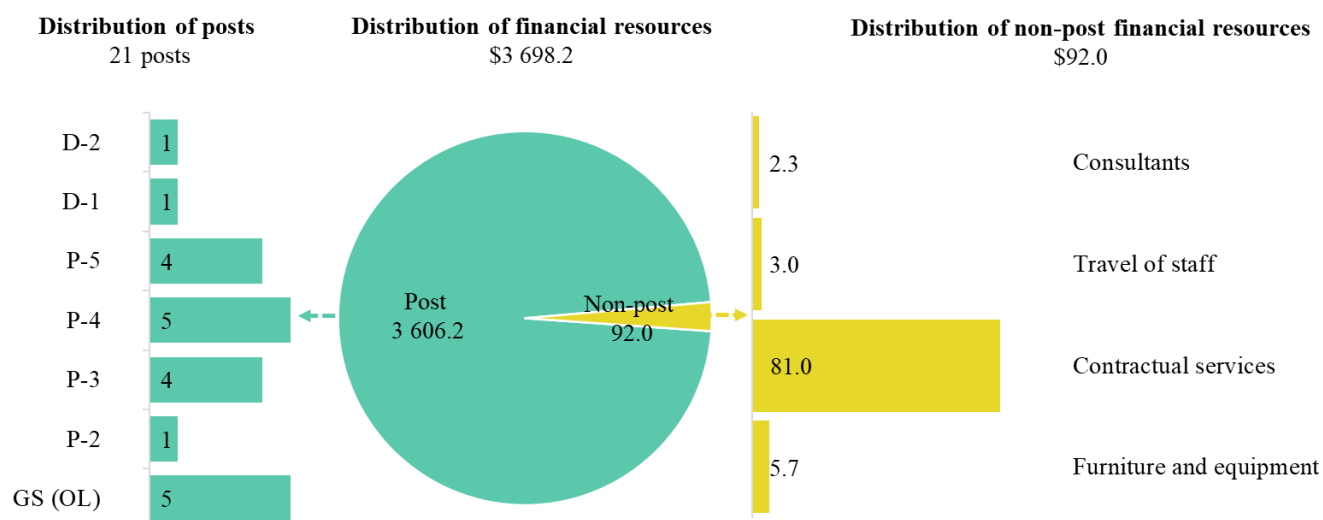
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	3 331.7	3 621.2	(15.0)	—	—	(15.0)	(0.4)	3 606.2
Non-post	81.2	101.6	—	—	(9.6)	(9.6)	(9.4)	92.0
Total	3 413.0	3 722.8	(15.0)	—	(9.6)	(24.6)	(0.7)	3 698.2
Post resources by category								
Professional and higher		16	—	—	—	—	—	16
General Service and related		5	—	—	—	—	—	5
Total		21	—	—	—	—	—	21

Figure 8.IX

#### Subprogramme 2: distribution of proposed resources for 2022 (before recosting)

(Number of posts/thousands of United States dollars)



#### Other assessed resources

8.183 Other assessed resources for the subprogramme are estimated at \$3,216,100 and would provide for 13 posts (4 P-5, 6 P-4, 2 P-3 and 1 General Service (Other level)), as well as non-post resources, to support peacekeeping operations. The resources would be used mainly to support the subprogramme in providing legal advice and assistance on the interpretation and application of United Nations

regulations, rules and policies; representing the Secretary-General before the United Nations Appeals Tribunal in cases and advice on administrative law of the Organization; providing advice on procurement activities and on the preparation and negotiation of substantial contracts for the acquisition of goods or services for United Nations operations; assisting in the resolution of disputes and claims arising from operational activities of the Organization; providing advice on the Organization's accountability measures in relation to both internal sanctions and external enforcement actions against United Nations officials, experts on mission and third parties for fraud, corruption and other wrongdoing; and providing advice on development, technical and humanitarian assistance activities, including partnerships with the private sector. The expected increase of \$425,600 is due mainly to updated salary costs, vacancy rates and estimated travel requirements for 2022, as reflected in the Secretary-General's report on the budget for the support account for peacekeeping operations for the period from 1 July 2021 to 30 June 2022.

### Extrabudgetary resources

- 8.184 Extrabudgetary resources for the subprogramme are estimated at \$2,502,100 and would provide for 11 posts (1 D-1, 1 P-5, 4 P-4, 1 P-3, 1 P-2/1 and 3 General service (Other level)), as well as non-post resources. The resources would be used mainly to support the Office of Legal Affairs in providing legal assistance in response to requests made by principal and subsidiary organs of the United Nations, including offices and departments at Headquarters, and United Nations funds, programmes and regional commissions.

### Subprogramme 3

#### Progressive development and codification of international law

- 8.185 The proposed regular budget resources for 2022 amount to \$4,409,500 and reflect no change in the resource level compared with the appropriation for 2021. Additional details on the distribution of the proposed resources for 2022 are reflected in table 8.41 and figure 8.X.

Table 8.41

#### Subprogramme 3: evolution of financial and post resources

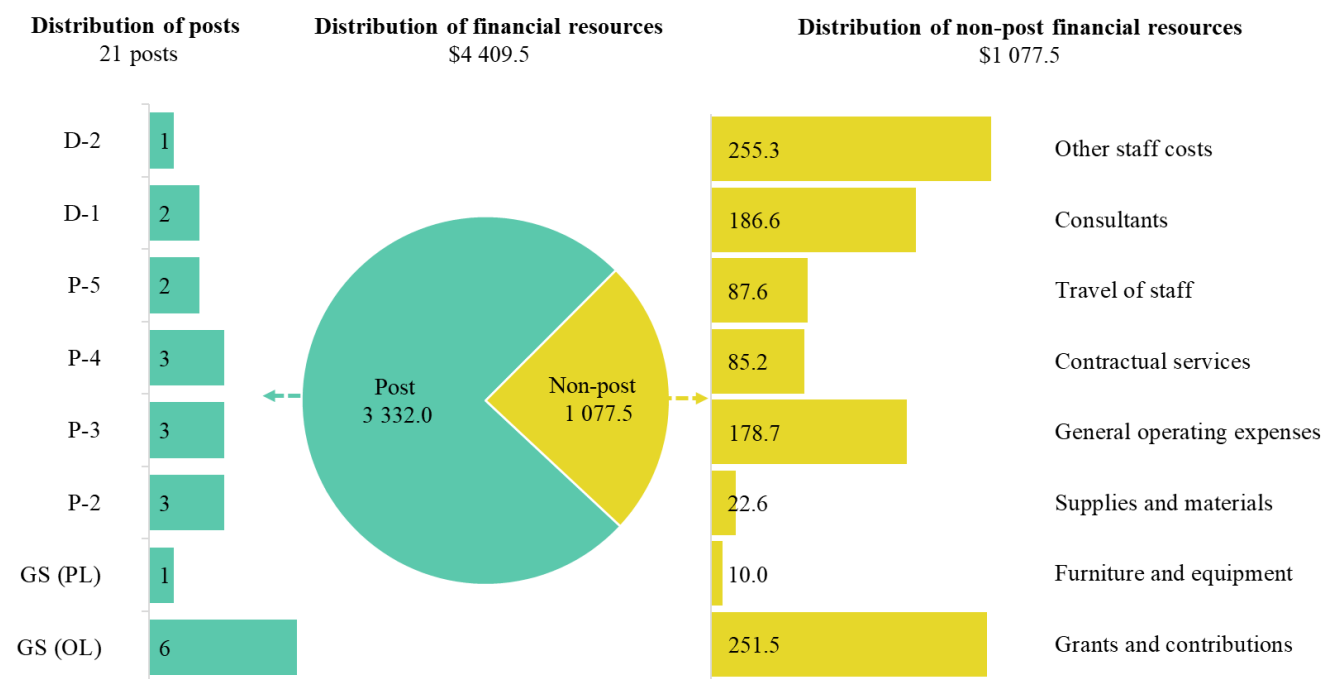
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	2 796.4	3 332.0	—	—	—	—	—	3 332.0
Non-post	488.8	1 077.5	—	—	—	—	—	1 077.5
Total	3 285.2	4 409.5	—	—	—	—	—	4 409.5
Post resources by category								
Professional and higher		14	—	—	—	—	—	14
General Service and related		7	—	—	—	—	—	7
Total		21	—	—	—	—	—	21

Figure 8.X

**Subprogramme 3: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)

**Extrabudgetary resources**

- 8.186 Extrabudgetary resources for the subprogramme are estimated at \$102,800 and would be used mainly to prepare the Repertory of Practice of United Nations Organs, address the backlog relating to the Yearbook of the International Law Commission and supplement the efforts of the subprogramme to meet the increasing demand for international law training and dissemination under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. This would include the conduct of off-site recordings for the Audiovisual Library of International Law in various regions in order to expand the geographical representation and multilingualism of the Lecture Series, the provision of additional fellowships to participate in the training programmes, and the update and dissemination of the *International Law Handbook: Collection of Instruments and the Recueil de droit international: Collection d'instruments*. The expected decrease of \$182,700 is due mainly to the projected completion of several phases of the modernization of the website of the Audiovisual Library in 2021.

### Subprogramme 4

#### Law of the sea and ocean affairs

- 8.187 The proposed regular budget resources for 2022 amount to \$6,848,700 and reflect an increase of \$640,300 compared with the appropriation for 2021. Additional details on the distribution of proposed resources for 2022 are reflected in table 8.42 and figure 8.XI.

Table 8.42

**Subprogramme 4: evolution of financial and post resources**

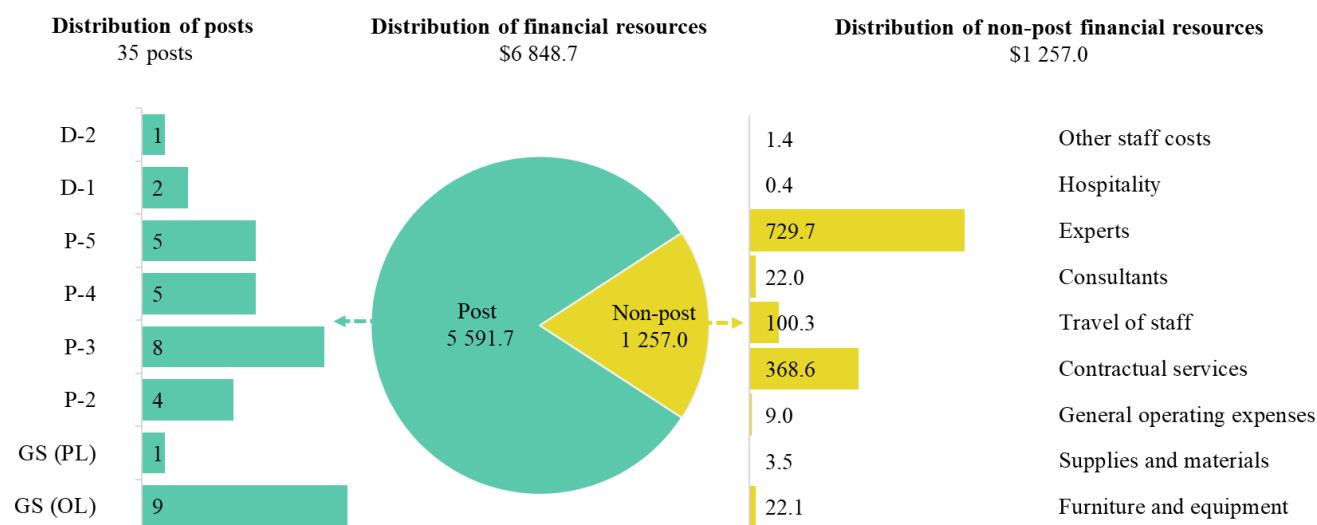
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	4 993.4	5 535.4	56.3	—	—	56.3	1.0	5 591.7
Non-post	398.7	673.0	(81.0)	678.3	(13.3)	584.0	86.8	1 257.0
<b>Total</b>	<b>5 392.1</b>	<b>6 208.4</b>	<b>(24.7)</b>	<b>678.3</b>	<b>(13.3)</b>	<b>640.3</b>	<b>10.3</b>	<b>6 848.7</b>
Post resources by category								
Professional and higher		25	—	—	—	—	—	25
General Service and related		10	—	—	—	—	—	10
<b>Total</b>		<b>35</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>35</b>

Figure 8.XI

**Subprogramme 4: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)

**Extrabudgetary resources**

- 8.188 Extrabudgetary resources for the subprogramme are estimated at \$3,735,400 and would provide for four posts (1 P-5, 1 P-2 and 2 General Service (Other level)), as well as non-post resources, to support the subprogramme's capacity-building activities (fellowships and training courses), technical cooperation programmes to provide assistance to developing States in the implementation of the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The resources would also be used to provide for the participation of developing States in ocean-related work of the General Assembly, related global and regional processes, and the work of the Commission on the Limits of the Continental Shelf.

- 8.189 The resources will allow the subprogramme to continue to implement a number of capacity-building activities and technical cooperation projects, including the programmes of assistance to meet the strategic capacity needs of developing States in the field of ocean governance and the law of the sea, which provides for non-post resources, including for 14 consultancies, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and the United Nations-Nippon Foundation of Japan Fellowship Programme for Human Resources Development and Advancement of the Legal Order of the World's Oceans, which includes the Fellowship Programme and the Sustainable Ocean Programme.
- 8.190 The increase of \$248,200 in 2022 is due mainly to increased requirements for meetings, such as the three annual sessions of the Commission on the Limits of the Continental Shelf, which are expected to fully resume as in-person meetings in 2022, partially offset by decreased requirements related to activities that are not currently expected to continue in 2022, such as the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and project 89, under the trust fund to support initiatives of States countering piracy off the coast of Somalia.

### Subprogramme 5

#### Progressive harmonization, modernization and unification of the law of international trade

- 8.191 The proposed regular budget resources for 2022 amount to \$3,403,600 and reflect a decrease of \$34,500 compared with the appropriation for 2021. Additional details on the distribution of proposed resources for 2021 are reflected in table 8.43 and figure 8.XII.

Table 8.43

#### Subprogramme 5: evolution of financial and post resources

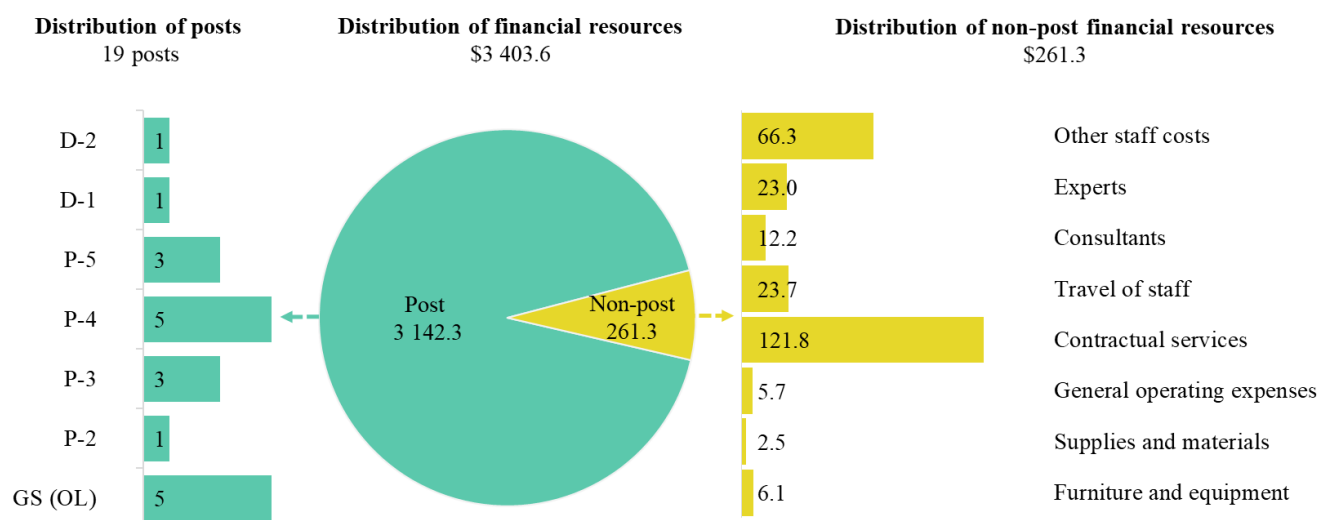
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	3 126.2	3 142.3	—	—	—	—	—	3 142.3
Non-post	155.3	295.8	—	—	(34.5)	(34.5)	(11.7)	261.3
Total	3 281.5	3 438.1	—	—	(34.5)	(34.5)	(1.0)	3 403.6
Post resources by category								
Professional and higher		14	—	—	—	—	—	14
General Service and related		5	—	—	—	—	—	5
Total		19	—	—	—	—	—	19

Figure 8.XII

**Subprogramme 5: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)

**Extrabudgetary resources**

- 8.192 Extrabudgetary resources for the subprogramme are estimated at \$1,465,000 and would provide for six posts (1 P-4, 1 P-3, 1 P-2/1, 1 General Service (Other level) and 2 Local level), as well as non-post resources. The resources would be used mainly to support the Office of Legal Affairs in ensuring the participation of developing States in UNCITRAL sessions; to operate the Regional Centre for Asia and the Pacific; to manage the Transparency Registry (an online repository for the publication of information and documents in treaty-based investor-State arbitration); and to complement the regular budget resources on the implementation of various activities under the subprogramme. These activities include raising awareness and promoting the effective understanding, adoption and use of UNCITRAL texts; providing advice and assistance to States on the adoption and use of those texts; and building capacity to support their effective use, implementation and uniform interpretation, including through training activities and e-learning modules on UNCITRAL and its texts. The increase of \$42,900 is due mainly to the provision of travel assistance to developing States for attending UNCITRAL meetings.

**Subprogramme 6****Custody, registration and publication of treaties**

- 8.193 The proposed regular budget resources for 2022 amount to \$3,417,200 and reflect no change in the resource level compared with the appropriation for 2021. Additional details on the distribution of proposed resources for 2022 are reflected in table 8.44 and figure 8.XIII.



Table 8.44

**Subprogramme 6: evolution of financial and post resources**

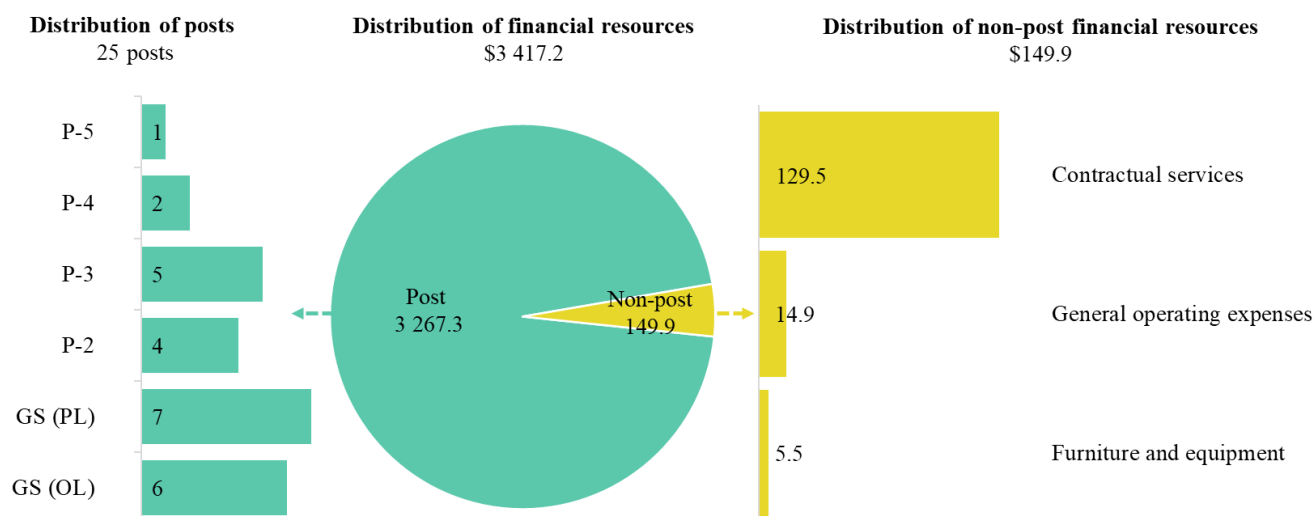
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	3 571.4	3 267.3	—	—	—	—	—	3 267.3
Non-post	280.2	149.9	—	—	—	—	—	149.9
Total	3 851.6	3 417.2	—	—	—	—	—	3 417.2
Post resources by category								
Professional and higher		12	—	—	—	—	—	12
General Service and related		13	—	—	—	—	—	13
Total		25	—	—	—	—	—	25

Figure 8.XIII

**Subprogramme 6: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)

**Programme support**

- 8.194 The Executive Office provides services to the Office of Legal Affairs in connection with personnel, budgetary and financial administration, resource planning and the use of common services, as well as administrative support for policymaking organs and other international meetings, as required.
- 8.195 The proposed regular budget resources for 2022 amount to \$903,300 and reflect a decrease of \$5,300 compared with the appropriation for 2021. The proposed decrease is explained in paragraph 8.163 (g) above. Additional details on the distribution of proposed resources for 2022 are reflected in table 8.45 and figure 8.XIV.

Table 8.45

**Programme support: evolution of financial and post resources**

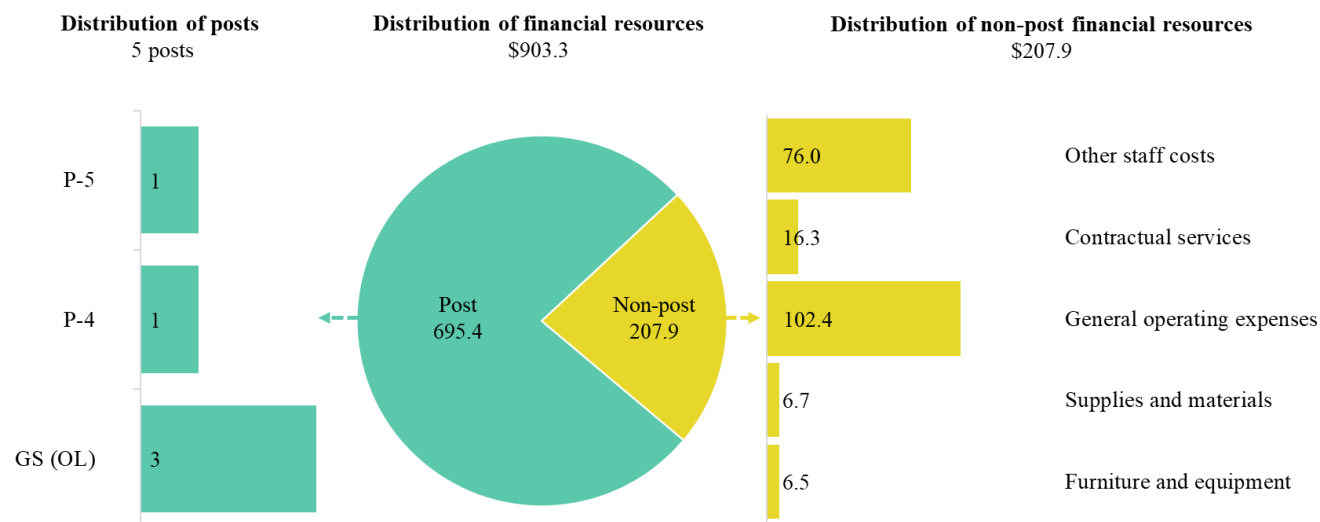
(Thousands of United States dollars/number of posts)

	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	773.8	695.4	—	—	—	—	—	695.4
Non-post	84.8	213.2	—	—	(5.3)	(5.3)	(2.4)	207.9
Total	858.6	908.6	—	—	(5.3)	(5.3)	(0.6)	903.3
Post resources by category								
Professional and higher		2	—	—	—	—	—	2
General Service and related		3	—	—	—	—	—	3
Total		5	—	—	—	—	—	5

Figure 8.XIV

**Programme support: distribution of proposed resources for 2022 (before recosting)**

(Number of posts/thousands of United States dollars)

**Extrabudgetary resources**

- 8.196 Extrabudgetary resources for the programme support are estimated at \$304,200 and would provide for two posts (2 General Service (Other level)). The resources would support the Executive Office in various administrative functions, including the provision of financial assistance, human resources management and administrative support related to the expansion of extrabudgetary activities funded through various trust funds. Associated activities include administration of personnel and fellowship programmes funded by the Nippon Foundation, travel arrangements, the procurement of goods and service and the review of voluntary contributions in kind.

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## II. Independent Investigative Mechanism for Myanmar

### Foreword

The year 2022 will be important for the Independent Investigative Mechanism for Myanmar, in particular after the significant constraints imposed in response to the COVID-19 pandemic in 2020, and the crisis in Myanmar that began in February 2021. The Mechanism is carefully following recent events relevant to its mandate.

In 2020, the Mechanism, like the rest of the United Nations system, faced unprecedented restrictions on movement and travel as a result of the pandemic, and hiring and operational restrictions due to liquidity constraints. Given the distance between the location of the Mechanism and the location of the crimes and witnesses, the restrictions on travel had a significant impact on the Mechanism's ability to conduct investigative missions to collect evidence. Wherever possible, the Mechanism adopted alternative measures in order to continue to advance its mandate. In parallel, the Mechanism focused on establishing a secure electronic database for evidence and developed internal policies and procedures and other foundational and preparatory work that will serve the Mechanism well moving forward. The Mechanism has also learned lessons from the pandemic and will incorporate them into its strategy and programme for 2022. With appropriate measures in place, the Mechanism will be able to achieve significant advances in its mandate with regard to the collection and analysis of evidence, the preparation of case files and the sharing of files with national, regional or international courts or tribunals.

Strong foundations have been laid since the Mechanism was deemed operational on 30 August 2019, and it is well positioned to continue to progress efficiently and expeditiously, including by conducting missions to collect evidence from people with direct knowledge of events, once the pandemic situation is such that it can do so at the same time as ensuring the safety of all interlocutors and personnel.

(Signed) Nicholas **Koumjian**  
Head of the Independent Investigative Mechanism for Myanmar

## **A. Proposed programme plan for 2022 and programme performance for 2020**

### **Overall orientation**

#### **Mandates and background**

- 8.197 The Independent Investigative Mechanism for Myanmar is responsible for collecting, consolidating, preserving and analysing evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and preparing files that can be shared with national, regional or international courts or tribunals to facilitate fair and independent criminal proceedings. The mandate derives from the priorities established in Human Rights Council resolutions [39/2](#), [42/3](#) and [43/26](#). It also includes close and timely cooperation with the International Criminal Court and the International Court of Justice. The mandate is further elaborated in the Mechanism's terms of reference, as transmitted by the Secretary-General to the President of the General Assembly ([A/73/716](#)) and in a letter addressed to the President of the Human Rights Council.
- 8.198 The creation of the Mechanism was welcomed by the General Assembly in its resolution [73/264](#). The Human Rights Council, in its resolution [42/3](#), welcomed the entry into operation of the Mechanism on 30 August 2019 and called upon the United Nations to ensure that the Mechanism was afforded the necessary support and resources it needed in terms of staffing, location and operational freedom so it could deliver as effectively as possible on its mandate. The Assembly, in its resolution [75/238](#), further called upon the United Nations to ensure that the Mechanism was afforded the flexibility that it needed in terms of staffing, location and operational freedom so that it could deliver as effectively as possible on its mandate.

### **Programme of work**

#### **Objective**

- 8.199 The objective, to which the Mechanism contributes, is to ensure accountability of perpetrators and justice for victims of the most serious international crimes and violations of international law committed in Myanmar since 2011.

#### **Strategy**

- 8.200 To contribute to the objective, the Mechanism will build upon its strategy for 2021 and continue to implement its programme and activities in a four-pronged manner.
- 8.201 The Mechanism will continue to collect and analyse information regarding situations, incidents, persons and entities in accordance with its mandate, including by interviewing witnesses and conducting open-source investigations. Investigations will be prioritized on the basis of substantive and operational criteria, including the scale, nature, manner of commission and impact of the crimes; the degree of responsibility of alleged perpetrators; the prospect of an investigation that meets international standards; and the likelihood of a court or tribunal taking jurisdiction over the crime or crimes in question. Based on these investigations, the Mechanism will prepare case files in relation to the individuals responsible for such crimes and violations.
- 8.202 The Mechanism will continue to consolidate and preserve the collected material in its electronic database while ensuring the integrity of the evidence and the appropriate chain of custody. The Mechanism will also ensure that the database is equipped with up-to-date digital hardware and security software.

- 8.203 The Mechanism will continue to share materials and case files with national, regional or international courts or tribunals in accordance with its mandate. The Mechanism will also continue to cooperate with any ongoing or future proceedings by national, regional or international courts or tribunals, including the International Criminal Court and the International Court of Justice.
- 8.204 The Mechanism will continue to implement its communications and public outreach strategy to explain its mandate, strategies and outputs to relevant stakeholders, in particular to witness and victim groups. The Mechanism will continue to use various communication tools, including its website, social media and a periodic bulletin, to communicate effectively with relevant stakeholders.
- 8.205 The above-mentioned work is expected to result in:
- (a) The collection and preservation, by an independent and impartial entity, of information that can be shared with national, regional or international courts or tribunals in relation to the most serious international crimes and violations of international law committed in Myanmar since 2011;
  - (b) The initiation of fair and independent criminal proceedings in national, regional or international courts or tribunals in relation to the aforementioned crimes;
  - (c) Greater understanding of the Mechanism's mandate, work and expected results by all relevant stakeholders, including victims and the general public, in particular inside Myanmar.

### **External factors for 2022**

- 8.206 With regard to the external factors, the overall plan for 2022 is based on the following planning assumptions:
- (a) Relevant Member States will allow the Mechanism to conduct activities within their territories;
  - (b) National, regional or international tribunals or courts have, or may in the future have, jurisdiction over the crimes within the Mechanism's mandate, and the relevant authorities may request the sharing of information from the Mechanism.
- 8.207 With regard to the COVID-19 pandemic, the proposed programme plan is based on the assumption that the proposed deliverables and activities for 2022, including travel arrangements, will be feasible to implement. However, if the pandemic were to further have an impact on the planned deliverables and activities, they would be adjusted during 2022 within the scope of the overall objectives, strategies and mandates. Any such adjustments would be reported as part of the programme performance information.
- 8.208 With regard to cooperation with other entities at the global, regional national and local levels, the Mechanism continues to engage with civil society, NGOs and business enterprises to seek relevant information and ensure support for the implementation of its mandate. Such information and support are sought from a diverse range of entities, regardless of their ethnic, religious or political affiliations or loyalties.
- 8.209 With regard to cooperation with Member States, the Mechanism continues to engage with States, as well as intergovernmental organizations, that may have relevant information and/or may be involved in legal proceedings, in accordance with the Mechanism's mandate. The cooperation of Member States remains particularly important for the Mechanism's investigative activities, including with regard to access to crime sites and the conduct of interviews of witnesses in a manner that ensures their security and privacy.
- 8.210 With regard to inter-agency coordination and liaison, the Mechanism continues to consult with international courts and other international accountability mechanisms to learn from their experiences and best practices. The Mechanism coordinates with these entities, in particular in the areas of information technology systems and data management, witness protection and support, and

witness interviews. The Mechanism also continues to cooperate with other United Nations entities working on issues relating to Myanmar.

- 8.211 The Mechanism continues to integrate a gender perspective into its policies, activities and deliverables, as appropriate. In that regard, the Mechanism is continuing to incorporate the tackling of sexual and gender-based crimes into all of its activities, including by ensuring that victims who engage with the Mechanism are provided appropriate protection and support measures to prevent them from being further harmed or traumatized.
- 8.212 With regard to disability inclusion, the Mechanism will review and specifically examine the United Nations Disability Inclusion Strategy with a view to further advancing disability inclusion, and will include mitigating measures to overcome any challenges while operationalizing the Strategy. The new premises and office layout of the Mechanism were designed to enable the access and inclusion of persons with disabilities, and the Mechanism will ensure that the management of its facilities will further advance disability inclusion to facilitate easy access to and use of them by such persons.

### **Evaluation activities**

- 8.213 The following self-evaluations completed in 2020 have guided the proposed programme plan for 2022:
- (a) Self-evaluation on the security of the internal and external communications of Mechanism personnel;
  - (b) Self-evaluation on the effectiveness of the Mechanism's communication and public outreach strategy through a survey of civil society organizations.
- 8.214 The findings of the self-evaluations referenced above have been taken into account for the proposed programme plan for 2022. For example, the Mechanism will continue to issue bulletins and maintain its website to facilitate effective communication with stakeholders.
- 8.215 The following self-evaluations are planned for 2022:
- (a) Self-evaluation on the sharing of information with third parties;
  - (b) Self-evaluation on the effectiveness of the Mechanism's communication and public outreach strategy.

### **Programme performance in 2020**

- 8.216 Programme performance in 2020 includes the below result that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

#### **Expansion of open-source information related to serious international crimes and violations of international law committed in Myanmar since 2011**

- 8.217 Given the proliferation of information relevant to the Mechanism's mandate from publicly available sources, as well as the increasing use by national and international courts of open-source investigations, the Mechanism identified the need for open-source investigation capacity in the early stages of developing its strategy. In 2020, the Mechanism increasingly focused on collecting information from open sources and used the latest open-source investigation tools and technology.

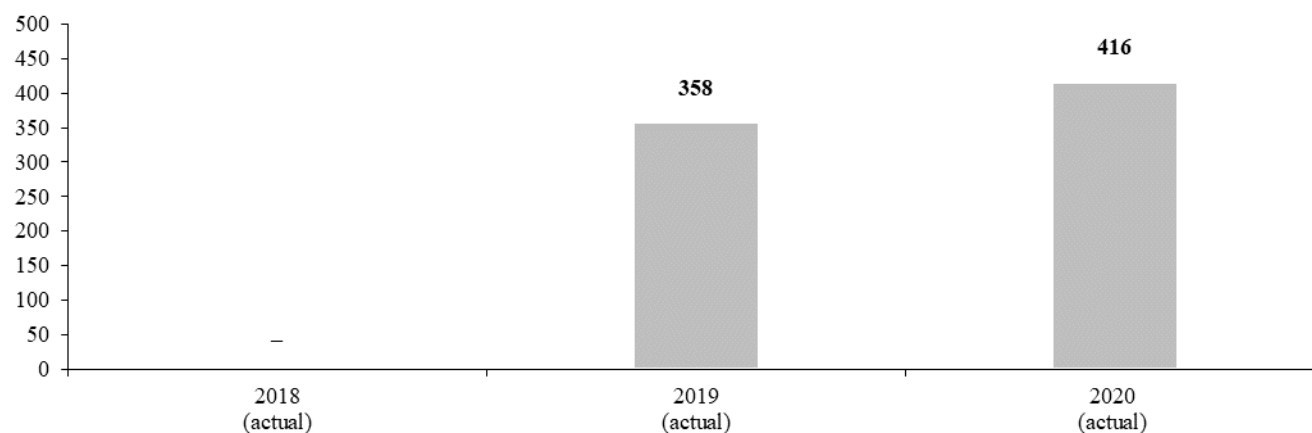
#### *Progress towards the attainment of the objective, and performance measure*

- 8.218 The above-mentioned work contributed to the objective, as demonstrated by the expansion of the total volume of information items collected for potential sharing with national, regional and international courts and other third parties, in line with the Mechanism's mandate (see figure 8.XV).

Figure 8.XV

**Performance measure: total volume of information items collected for potential sharing**

(Gigabytes)

**Impact of COVID-19 on programme delivery**

- 8.219 During 2020, the COVID-19 pandemic had an impact on the planned deliverables and activities of the Mechanism. The impact included pandemic-related travel restrictions that delayed travel to meet with relevant interlocutors outside the duty station, and the cancellation of other planned travel to consult with Member States on the support and approval necessary for activities on their territory and to meet in person with victims and other stakeholders to facilitate better understanding of the Mechanism's work. For instance, the Mechanism was hindered in its ability to obtain the agreement of relevant parties for the provision of information. The Mechanism thus placed greater emphasis during this period on identifying potential information sources and contacting them, where possible, by secure electronic means. The changes had an impact on the programme performance in 2020, as specified in results 1 and 2 below.
- 8.220 Travel-related restrictions also contributed to the Mechanism's decision to use videoconferencing technology, which proved useful in many instances, to contact potential information sources and arrange for the collection of information. However, the use of such technology was deemed inappropriate for other interlocutors, such as witnesses, as it was not possible when conducting remote interviews to ensure that witnesses were not subjected to undue influence by those nearby. Remote interviews were further deemed to pose high risks to witness safety and security and could also undermine the integrity of the Mechanism's investigations and lead to legal challenges in any future legal proceedings. In addition, many interlocutors had very limited or no Internet access. For those reasons, the Mechanism decided to postpone interviews with witnesses until travel is again possible.
- 8.221 Reflecting the importance of continuous improvement and responding to evolving needs, the Mechanism will mainstream lessons learned and best practices related to the adjustments to and adaptation of its programme owing to the COVID-19 pandemic. Specific examples of best practices include the continued emphasis on open-source investigations as a key component of the investigation strategy, through the use of, for example, video footage and photos uploaded to the Internet, posts on social media platforms and geospatial imagery, and communication with potential information sources through secure electronic means. This was also in keeping with the increasing use of open-source investigations by national and international courts.

## Planned results for 2022

- 8.222 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

### **Result 1: cooperative frameworks for the collection, preservation and storage of information, documentation and evidence<sup>14</sup>**

#### **Programme performance in 2020**

- 8.223 The Mechanism initiated discussions with Member States, intergovernmental organizations, United Nations system entities and civil society actors on the development and conclusion of cooperative frameworks for the collection, preservation and storage of information. These frameworks facilitate the Mechanism's work by enabling: (a) the provision of information to the Mechanism; (b) the provision of logistical support to the Mechanism; and/or (c) the conduct of the Mechanism's activities within Member States' territories.
- 8.224 The above-mentioned work contributed to the Mechanism advancing extensive negotiations and concluding 12 cooperative arrangements, which met the planned target of the agreement of parties to cooperative frameworks for the collection, preservation and storage of information, documentation and evidence, as reflected in the programme budget for 2020.

#### **Proposed programme plan for 2022**

- 8.225 The Mechanism will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the Mechanism will continue its efforts in negotiating and concluding additional frameworks. The expected progress is presented in the performance measure below (see table 8.46).

Table 8.46

#### **Performance measure**

<i>2018 (actual)</i>	<i>2019 (actual)</i>	<i>2020 (actual)</i>	<i>2021 (planned)<sup>a</sup></i>	<i>2022 (planned)</i>
Adoption of Human Rights Council resolution <a href="#">39/2</a>	Initiation of dialogue with parties	Agreement of parties to 12 cooperative arrangements on access to information, documentation and evidence	Access to sources of information, documentation and evidence	Agreement of additional parties to cooperative arrangements on access to, and sharing of, information, documentation and evidence

<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

### **Result 2: collection and consolidation of information, documentation and evidence of serious international crimes and violations of international law committed in Myanmar since 2011<sup>15</sup>**

#### **Programme performance in 2020**

- 8.226 The Mechanism undertook an assessment of the information in its possession, in particular the materials from the independent international fact-finding mission on Myanmar, in order to determine

<sup>14</sup> As reflected in the programme budget for 2020 ([A/74/6/Add.1](#)).

<sup>15</sup> As reflected in the programme budget for 2021 ([A/75/6/Add.1](#)).



the gaps in its information. On the basis of this assessment, the Mechanism developed a strategy on the collection of additional information, including through the monitoring of ongoing developments in Myanmar, the utilization of open sources and the issuance of formal requests for information to a variety of entities. The Mechanism engaged extensively with existing and potential information sources to address confidentiality and consent issues.

8.227 Although there were some delays in early 2020, the Mechanism established its electronic database to securely store, consolidate and preserve the information that it collects. As part of its efforts with regard to information security, the Mechanism acquired equipment and hardware to enable encryption and restrict administrative controls.

8.228 The above-mentioned work contributed to an increase in the number and volume of information items processed for potential sharing (see figure 8.XVI). The previous performance measure reflected in [A/75/6/Add.1](#) is reported in table 8.46 above.

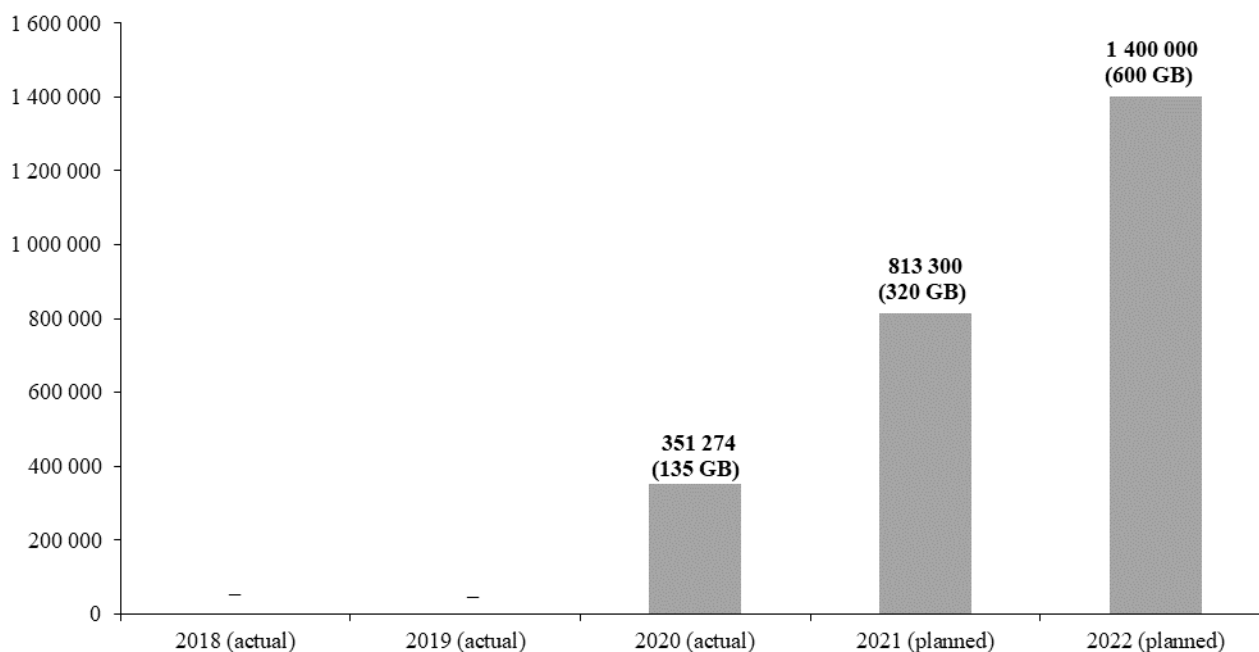
#### **Proposed programme plan for 2022**

8.229 The Mechanism will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the Mechanism will scale up open-source investigations, identify new sources of information, interview witnesses and monitor ongoing events in Myanmar. The expected progress is presented in the performance measure below (see figure 8.XVI).

Figure 8.XVI

#### **Performance measure: number and volume of information items processed for potential sharing**

(Number of items and gigabytes)



#### **Result 3: availability of case file evidence packs and analytical documents for sharing with relevant entities**

##### **Proposed programme plan for 2022**

8.230 In order to facilitate criminal proceedings in national, regional or international courts or tribunals, the Mechanism collated and analysed information that it has collected for potential sharing with competent investigative, prosecutorial or judicial authorities. On the basis of its analysis, the

Mechanism determined that information needs to be well organized, collated into coherent files pertaining to a specific situation, incident or person/entity, and tied together by clear analysis, to ensure, to the best extent possible, that the information will be useful to investigative, prosecutorial or judicial authorities. The Mechanism has continued to develop its analytical capacity to conduct in-depth analyses of the substantial information in its possession.

#### *Lessons learned and planned change*

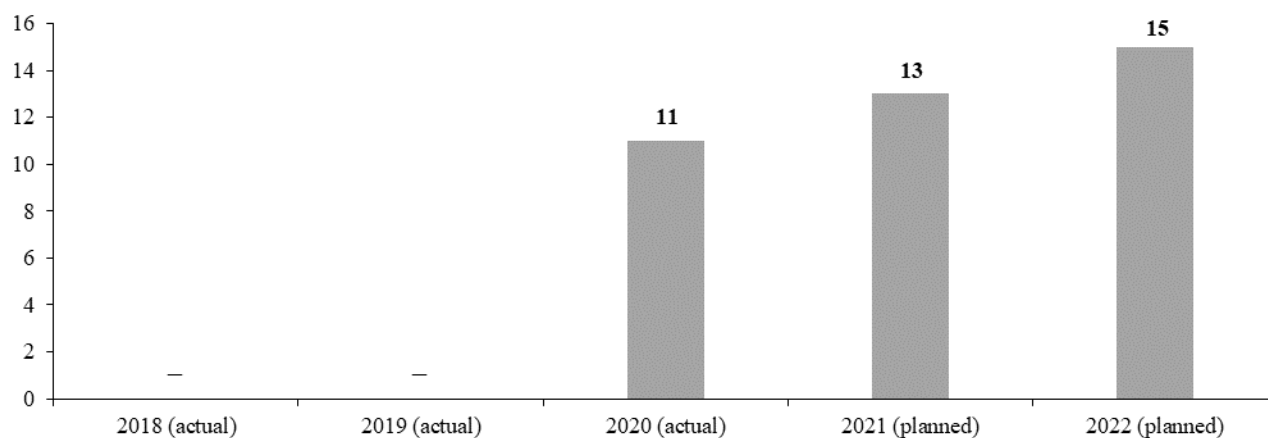
- 8.231 The lesson for the Mechanism was that, in compiling its information and analysis for sharing, it was crucial that the information dealt with specific events, situations or persons/entities, with clear and well-defined parameters. In applying the lesson to ensure that each case file that it develops is specific and of a manageable size, the Mechanism will produce packs for sharing, containing supporting information and analysis, in response to the requests of relevant entities in the relevant criminal or legal proceedings. The Mechanism will collate its information and analysis into future case files in a coherent and practical manner, so as to maximize the usefulness and benefit of such files for future recipients.

#### *Expected progress towards the attainment of the objective, and performance measure*

- 8.232 This work is expected to contribute to the objective, as demonstrated by the availability of more information and case files that can be shared for use in national, regional or international courts or tribunals, in line with the Mechanism's mandate. The continuous growth of the database and the use of state-of-the-art analytical tools will enhance the Mechanism's ability to share relevant materials and files, as and when requested, as evidenced by the increasing number of information items processed for analysis (see figure 8.XVII).

Figure 8.XVII

**Performance measure: number of case file evidence packs and analytical documents available for sharing**



### **Legislative mandates**

- 8.233 The list below provides all mandates entrusted to the Mechanism.

#### *General Assembly resolutions*

<a href="#">73/264</a>	Situation of human rights in Myanmar	<a href="#">75/238</a>	Situation of human rights of Rohingya Muslims and other minorities in Myanmar
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#### *Human Rights Council resolutions*

<a href="#">39/2</a> ; <a href="#">42/3</a>	Situation of human rights of Rohingya Muslims and other minorities in Myanmar	<a href="#">46/21</a> ; <a href="#">43/26</a>	Situation of human rights in Myanmar
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## Deliverables

8.234 Table 8.47 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.47

### Independent Investigative Mechanism for Myanmar: deliverables for the period 2020–2022, by category and subcategory

<i>Category and subcategory</i>	<i>2020 planned</i>	<i>2020 actual</i>	<i>2021 planned</i>	<i>2022 planned</i>
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
1. Reports for the General Assembly	1	1	1	1
2. Reports for the Human Rights Council	1	1	1	1
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>5</b>	<b>5</b>	<b>4</b>	<b>4</b>
3. Meetings of the General Assembly	1	–	–	–
4. Meetings of the Human Rights Council	1	1	1	1
5. Meetings of the Advisory Committee on Administrative and Budgetary Questions	1	1	1	1
6. Meetings of the Committee for Programme and Coordination	1	1	1	1
7. Meetings of the Fifth Committee	1	2	1	1
<b>B. Generation and transfer of knowledge</b>				
<b>Seminars, workshops and training events</b> (number of days)	<b>6</b>	<b>–</b>	<b>–</b>	<b>–</b>
8. Training of partners on the use of the Mechanism's evidence system	6	–	–	–
<b>Technical materials</b> (number of materials)	<b>6</b>	<b>11</b>	<b>13</b>	<b>15</b>
9. Documents containing a compilation of information and evidence of international crimes	6	9	10	10
10. Documents containing a compilation of analysis of evidence of international crimes	–	2	3	5
<b>C. Substantive deliverables</b>				
<b>Fact-finding, monitoring and investigation missions:</b> investigation missions to collect information, documentation and evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, including by taking statements from victims and witnesses.				
<b>Consultation, advice and advocacy:</b> consultations with more than 30 entities, including Member States and civil society organizations, about the Mechanism.				
<b>Databases and substantive digital materials:</b> database to consolidate, organize, preserve, verify and analyse relevant information and evidence.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> meetings and conferences with relevant stakeholders, in particular civil society organizations, to raise awareness about the Mechanism's mandate and activities; and development of information materials about the Mechanism and its work for general dissemination and of material tailored to specific audiences in relevant languages.				
<b>External and media relations:</b> holding of press conferences and media interviews; participation in panels and events; and provision of briefings to the diplomatic and academic communities on the progress of the Mechanism's work.				
<b>Digital platforms and multimedia content:</b> update of the Mechanism's website.				

## B. Proposed post and non-post resource requirements for 2022

### Overview

8.235 The proposed regular budget resources for 2022, including the breakdown of resource changes, as applicable, are reflected in tables 8.48 to 8.50.

Table 8.48

#### Overall: evolution of financial resources by object of expenditure

(Thousands of United States dollars)

Object of expenditure	2020 expenditure	2021 appropriation	Changes					2022 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other	Total	Percentage	
Other staff costs	6 490.2	9 046.1	688.5	—	(76.8)	611.7	6.8	9 657.8
Consultants	62.0	317.1	—	—	—	—	—	317.1
Experts	1.8	—	—	—	—	—	—	—
Travel of staff	4.9	356.2	—	—	—	—	—	356.2
Contractual services	1 325.3	1 242.3	(50.3)	—	—	(50.3)	(4.0)	1 192.0
General operating expenses	1 918.8	827.9	—	—	(56.4)	(56.4)	(6.8)	771.5
Supplies and materials	39.1	47.1	—	—	(12.0)	(12.0)	(25.5)	35.1
Furniture and equipment	881.5	699.4	(20.8)	—	(51.7)	(72.5)	(10.4)	626.9
Improvement of premises	27.9	—	—	—	—	—	—	—
Grants and contributions	9.1	130.1	—	—	—	—	—	130.1
Other	259.1	—	—	—	—	—	—	—
<b>Total</b>	<b>11 019.6</b>	<b>12 666.2</b>	<b>617.4</b>	<b>—</b>	<b>(196.9)</b>	<b>420.5</b>	<b>3.3</b>	<b>13 086.7</b>

Table 8.49

#### Overall: proposed general temporary assistance positions and position changes for 2022<sup>a</sup>

(Number of positions)

	Number	Details
Approved for 2021	55	1 ASG, 1 D-1, 4 P-5, 8 P-4, 20 P-3, 13 P-2/1, 8 GS (OL)
Reassignment	–	1 P-3 Finance and Budget Officer reassigned as Administrative Officer
Proposed for 2022	55	1 ASG, 1 D-1, 4 P-5, 8 P-4, 20 P-3, 13 P-2/1, 8 GS (OL)

<sup>a</sup> More information on post changes is reflected in annex II.

*Note:* The following abbreviations are used in tables and figures: ASG, Assistant Secretary-General; GS (OL), General Service (Other level).

Table 8.50

**Overall: proposed general temporary assistance positions by category and grade**

(Number of positions)

Category and grade	Changes					2022 proposed
	2021 approved	Technical adjustments	New/expanded mandates	Other	Total	
Professional and higher						
ASG	1	—	—	—	—	1
D-1	1	—	—	—	—	1
P-5	4	—	—	—	—	4
P-4	8	—	—	—	—	8
P-3	20	—	—	—	—	20
P-2/1	13	—	—	—	—	13
Subtotal	47	—	—	—	—	47
General Service and related						
GS (OL)	8	—	—	—	—	8
Subtotal	8	—	—	—	—	8
Total	55	—	—	—	—	55

8.236 Additional details on the distribution of the proposed resources for 2022 are reflected in table 8.51 and figure 8.XVIII.

8.237 As reflected in table 8.51, the overall resources proposed for 2022 amount to \$13,086,700 before recosting, reflecting a net increase of \$420,500 (or 3.3 per cent) compared with the appropriation for 2021. Resource changes result from two factors, namely: (a) technical adjustments; and (b) other changes. The proposed level of resources provides for the full, efficient and effective implementation of mandates.

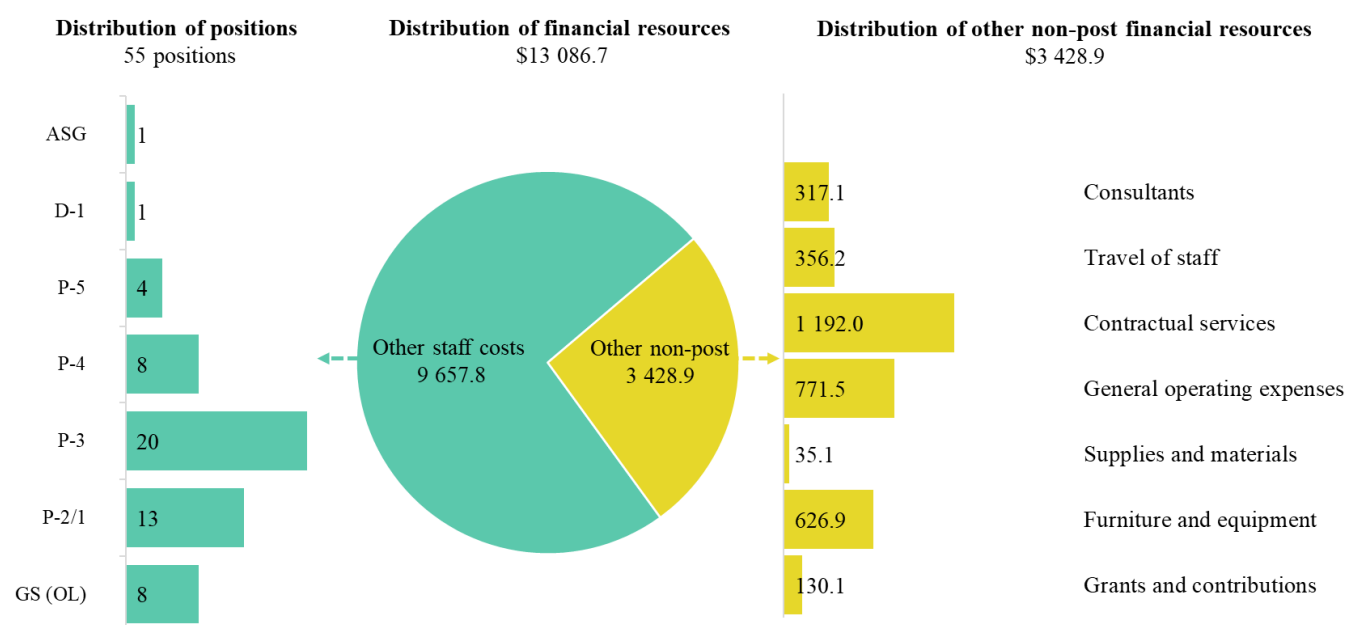
Table 8.51

**Overall: evolution of financial resources and general temporary assistance positions**

(Thousands of United States dollars/number of positions)

	Changes							2022 estimate (before recosting)
	2020 expenditure	2021 appropriation	Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Non-post	11 019.6	12 666.2	617.4	–	(196.9)	420.5	3.3	13 086.7
<b>Total</b>	<b>11 019.6</b>	<b>12 666.2</b>	<b>617.4</b>	<b>–</b>	<b>(196.9)</b>	<b>420.5</b>	<b>3.3</b>	<b>13 086.7</b>
General temporary assistance positions by category								
Professional and higher		47	–	–	–	–	–	47
General Service and related		8	–	–	–	–	–	8
<b>Total</b>		<b>55</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>55</b>

Figure 8.XVIII  
**Distribution of proposed resources for 2022 (before recosting)**  
 (Number of posts/thousands of United States dollars)



## Explanation of variances by factor, component and subprogramme

### Overall resource changes

#### Technical adjustments

8.238 As reflected in table 8.48 resource changes reflect a net increase of \$617,400, as follows:

- The increase of \$688,500 under other staff costs relates to the delayed impact of nine positions that were subject to a 50 per cent vacancy rate in 2021, in accordance with the established practice. The nine changes include the establishment of two new positions, one Public Information Officer (P-4) and one Editor (P-3), and the reassignment of seven general temporary assistance positions: one Investigator (P-4), one Legal Officer (P-4), one Human Rights Officer (P-3), one Witness Protection and Support Officer (P-3), one Associate Witness Protection and Support Officer (P-2), one Associate Information Systems Officer (P-2) and one Associate Public Information Officer (P-2), approved pursuant to General Assembly resolution [75/252](#);
- A decrease of \$50,300 under contractual services and \$20,800 under furniture and equipment, relating to the removal of non-recurrent provisions for the acquisition of cloud services and office furniture in 2021.

#### Other changes

8.239 As reflected in table 8.48, resource changes reflect a net decrease of \$196,900, as follows:

- The decrease of \$76,800 under other staff costs relates to the proposed reassignment of one Finance and Budget Officer (P-3) position as Administrative Officer (P-3) within the Administrative Services Section, which would be subject to a 50 per cent vacancy rate. The Administrative Services Section currently comprises one Senior Administrative Officer (P-5) position, supported by two positions at the P-3 level (1 Human Resources Officer and 1 Finance and Budget Officer), and three General Service (Other level) positions (1 Human Resources Assistant, 1 Finance and Budget Assistant, and 1 Logistics Assistant). The proposed reassignment would strengthen the Mechanism's administrative capacity to cover not only budget and finance functions, but also other administrative functions, including procurement,

contract management (in particular, for contracts relating to technology platforms for the collection, processing, analysis and preservation of evidence), auditing and other Secretariat-wide initiatives, including enterprise risk management, business continuity, the delegation of authority, and good conduct and discipline, as well as supplementing the existing human resources capacity to develop human resources management and monitoring reports. The workload in these areas is increasing and would be assumed by the Administrative Officer, who would have more experience in those areas than the Finance and Budget Officer;

- (b) The remaining decrease of \$120,100 relates to:
- (i) Reduced requirements under general operating expenses (\$56,400), relating to energy-efficient utilities in the Mechanism's new building;
  - (ii) Reduced requirements under supplies and materials (\$12,000) and furniture and equipment (\$51,700), relating to build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic, including the increased use of videoconferencing and virtual platforms for meetings, in lieu of in-person attendance at such events. In addition, the increased use of digital platforms to deliver training and the shift towards using more online documentation and communication processes would reduce requirements for paper and high-capacity shredders.

### Extrabudgetary resources

- 8.240 Anticipated in-kind contributions with an estimated value of \$200,300 relate to staff members loaned to the Mechanism on a non-reimbursable basis, to enable and strengthen the provision of strategic guidance and advice on legal cooperation and research for the purpose of promoting access to justice and the rule of law, including in relation to sexual and gender-based crimes.
- 8.241 The extrabudgetary resources under this section are subject to the oversight of the Mechanism, which has delegated authority from the Secretary-General.

### Other information

- 8.242 In accordance with the 2030 Agenda, in particular target 12.6 of the Sustainable Development Goals, in which organizations are encouraged to integrate sustainability information into their reporting cycles, and in compliance with the cross-cutting mandate set out in paragraph 19 of General Assembly resolution 72/219, the Mechanism is integrating environmental management practices into its operations. For example, in the construction of its purpose-built facility in Geneva, the Mechanism installed special external walls with thermal insulation panels to reduce the dispersion of heat, thermal windows with energy-efficient features designed to resist the loss of heat and cold, light emitting diode lights in all office and common areas, as well as a heating, ventilation and air conditioning system with thermostats in all offices and common areas to enable better control of the system.
- 8.243 Information on compliance with the timely submission of documentation and advance booking for air travel is reflected in table 8.52. Efforts made by the Mechanism to enhance the rate of travel compliance include more frequent monitoring of compliance with advance booking requirements for air travel by bringing up the issue in the monthly resources updates provided to management. That has resulted in a reduced number of instances in which air travel has been booked shortly prior to departure for reasons within the control of the Mechanism.

Table 8.52  
**Compliance rate**  
(Percentage)

	<i>Actual 2019</i>	<i>Actual 2020</i>	<i>Planned 2021</i>	<i>Planned 2022</i>
Timely submission of documentation	100	100	100	100
Air tickets purchased at least 2 weeks before the commencement of travel	12	79	100	100





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### **III. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011**

#### **Foreword**

In 2022, the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 will continue to advance the implementation of its mandate, as reflected in General Assembly resolution [71/248](#), in order to assist in the investigation and prosecution of the most serious crimes under international law committed in the Syrian Arab Republic. After several years of consolidating and analysing materials gathered by other entities in its central repository of information and evidence, the Mechanism is increasingly using its investigative mandate to fill identified gaps in its evidence collection, for example, on the gendered aspects of international crimes and the specific impact of crimes on children. The Mechanism will continue to conclude cooperation frameworks with entities in possession of information and evidence that will serve to increase the utility and comprehensiveness of its central repository of evidence and information.

The Mechanism is also developing and implementing new technologies to improve the accessibility and searchability of materials in the central repository. These technologies will enhance the pace and accuracy of the Mechanism's analytical processes and the quality of its structural investigations, case files and analytical products, enabling it to improve its support for the justice efforts of competent jurisdictions. The Mechanism continues to receive a growing number of requests for assistance from competent jurisdictions and proactively shares relevant materials with these entities. The Mechanism will continue to work to respond more quickly and comprehensively to requests for assistance through more efficient searches of its central repository, close consultation with requesting authorities and targeted requests to its network of information providers.

The Mechanism has made tangible progress in the implementation of its mandate. It remains committed to facilitating inclusive justice for the Syrian Arab Republic by ensuring that historically underrepresented categories of crimes, and victims and survivors, receive proper attention throughout the implementation of its mandate.

*(Signed)* Catherine **Marchi-Uhel**  
Head of the Mechanism

## **A. Proposed programme plan for 2022 and programme performance in 2020**

### **Overall orientation**

#### **Mandates and background**

- 8.244 The Mechanism is responsible for assisting in the investigation and prosecution of persons responsible for the most serious international crimes committed in the Syrian Arab Republic since March 2011. The mandate derives from the priorities established in relevant General Assembly resolutions and decisions, including resolution [71/248](#), as further elucidated in the Mechanism's terms of reference (see [A/71/755](#), annex). The Mechanism has a responsibility to support criminal accountability, and its work relates to both supporting ongoing investigations and prosecutions being conducted by other actors, and building case files to be shared with courts or tribunals which currently, or may in the future, have jurisdiction over those crimes.

### **Programme of work**

#### **Objective**

- 8.245 The objective, to which the Mechanism contributes, is to achieve accountability for the most serious international crimes committed in the Syrian Arab Republic since March 2011.

#### **Strategy**

- 8.246 To contribute to the objective, the Mechanism will continue to build the central repository through existing or new cooperation agreements. The Mechanism will also continue to analyse evidence within the framework of its structural investigations and in response to requests for assistance from eligible jurisdictions. In addition, the Mechanism will build criminal case files through the analysis of evidence in its possession, pursuing lines of inquiry and conducting the investigations required to fill evidentiary gaps. Furthermore, the Mechanism will share information, evidence, analytical documents, expertise and/or case files with national, regional or international courts and tribunals that have jurisdiction over these alleged crimes. The Mechanism will further develop and implement its victim- and survivor-centred approach and integrate a focus on sexual and gender-based crimes and crimes against children throughout its work. The Mechanism will also continue to promote an integrated approach to justice and accountability through effective dialogue and coordination, including with criminal justice actors, civil society and other United Nations actors, which will help Member States to make progress towards the achievement of Sustainable Development Goals 5 (Achieve gender equality and empower all women and girls) and 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).
- 8.247 The above-mentioned work is expected to result in:
- (a) The storage of crucial evidence of alleged crimes in a central repository, available for collation and distribution to requesting parties;
  - (b) Strengthened investigations, prosecutions and trials by jurisdictions with competence over the alleged crimes within the Mechanism's mandate;
  - (c) Greater accessibility to justice and gender equality;
  - (d) The strengthening of the broadest possible range of justice initiatives compatible with the Mechanism's mandate.

## External factors for 2022

- 8.248 With regard to the external factors, the overall plan for 2022 is based on the following planning assumptions:
- (a) Parties will provide information and evidence in various formats for inclusion in the central repository, necessitating storage capabilities and resources for the ongoing tagging of information and evidence;
  - (b) Relevant materials on chemical weapons usage compiled by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism will continue to be made available.
- 8.249 With regard to the COVID-19 pandemic, the proposed programme plan is based on the assumption that the proposed deliverables and activities for 2022 will be feasible to implement. However, if the pandemic were to continue to have an impact on the planned deliverables and activities, they would be adjusted during 2022 within the scope of the overall objective, strategies and mandates. Any such adjustments would be reported as part of the programme performance information.
- 8.250 The Mechanism integrates a gender perspective in its operational activities, deliverables and results, as appropriate. For example, the Mechanism continues to incorporate a gender perspective into its evidentiary strategies in order to avoid bias that results in the inaccurate recording of harm experienced by females; to ensure that due attention is paid to sexual violence crimes against males; and to diversify evidentiary sources to account for different gender perspectives.
- 8.251 With regard to disability inclusion, the Mechanism will review and specifically examine the United Nations Disability Inclusion Strategy with a view to further advancing disability inclusion, and will include mitigating measures to overcome any challenges while operationalizing disability inclusion.
- 8.252 With regard to cooperation with other entities at the global, regional national and local levels, the Mechanism will continue to cooperate with competent jurisdictions, international organizations, Syrian and international civil society organizations and individuals, utilizing a variety of cooperation frameworks.
- 8.253 With regard to inter-agency coordination and liaison, the Mechanism will continue to cooperate with other United Nations entities working on issues related to the Syrian Arab Republic, including the Independent International Commission of Inquiry on the Syrian Arab Republic, in accordance with its mandate.

## Evaluation activities

- 8.254 The self-evaluation of the workflows of all sections in respect of the integration of a gender analysis into the Mechanism's core activities, pursuant to the gender strategy, is planned for 2022.

## Programme performance in 2020

- 8.255 Programme performance in 2020 includes the below result that emerged during 2020, as well as programme performance presented under results 1 and 2 below.

### Increased access to a collection of high evidentiary value

- 8.256 The Mechanism was confronted with challenges related to the intake and analysis of certain evidentiary materials, owing to their volume, variety and complexity. In response, it implemented new technologies to improve the automatic extraction and translation of text from scanned documents, which has significantly enhanced the searchability of evidentiary materials and helped to ensure faster, more robust and more accurate analytical processes.
- 8.257 The Mechanism tested this approach on one exceptionally challenging and voluminous collection of materials of high evidentiary value and it yielded successful results. The Mechanism will apply this

technology-assisted review technique to other document collections in its central repository to enable the more thorough review of larger evidence collections, facilitating the identification of valuable evidence more quickly. The increased accessibility of these important collections will allow the Mechanism to provide more comprehensive responses to requesting parties.

*Progress towards the attainment of the objective, and performance measure*

- 8.258 The above-mentioned work contributed to the objective, as demonstrated by the significant improvement in the effectiveness of optical character recognition technology applied to a large collection of documents, resulting in more comprehensive responses shared with competent jurisdictions.

Table 8.53  
Performance measure

2018 (actual)	2019 (actual)	2020 (actual)
–	Evidentiary information shared with competent jurisdictions	More comprehensive evidentiary information shared with competent jurisdictions in an effective manner

**Impact of COVID-19 on programme delivery**

- 8.259 During 2020, the COVID-19 pandemic had an impact on the planned deliverables and activities of the Mechanism. The impact included the postponement of missions that required face-to-face contact in order to cultivate relationships with relevant sources, investigate and collect information and evidence of international crimes in the Syrian Arab Republic. Similarly, face-to-face consultations with key stakeholders, including civil society actors, and planned visits from national war crimes units to identify relevant evidence in the Mechanism's database, were postponed. These changes had an impact on the programme performance in 2020, as specified under result 1 below.
- 8.260 Reflecting the importance of continuous improvement and responding to evolving needs, the Mechanism will mainstream lessons learned and best practices related to the adjustments to and adaptation of its programme owing to the COVID-19 pandemic. Specific examples of lessons learned include the continued refinement and adjustment of its analytical workflows to accommodate changes in its evidence collection and processing plans, as well as its continued remote working arrangements, which permitted progress on the development of a foundation for its case files. In addition, the Mechanism will facilitate the secure processing of evidence in altered circumstances and will continue to refine its technical capabilities to better support remote work.

**Planned results for 2022**

- 8.261 The planned results for 2022 include results 1 and 2, which are updates of results presented in the preceding proposed programme plans and therefore show both the programme performance in 2020 and the proposed programme plan for 2022. Result 3 is a new planned result.

**Result 1: domestic investigations and prosecutions supported by expansion and diversification of the evidence collection<sup>16</sup>**

**Programme performance in 2020**

- 8.262 The Mechanism continued to develop its capacity to build the central repository by negotiating cooperation frameworks permitting the collection of materials from different stakeholders. In response to the COVID-19 pandemic, the Mechanism strengthened its capacity to collect information and evidence remotely and to access information and evidence online. The Mechanism

<sup>16</sup> As reflected in the programme budget for 2020 (A/74/6/Add.1).

also identified gaps in its evidence collection that it is proactively seeking to fill, in line with its mandate.

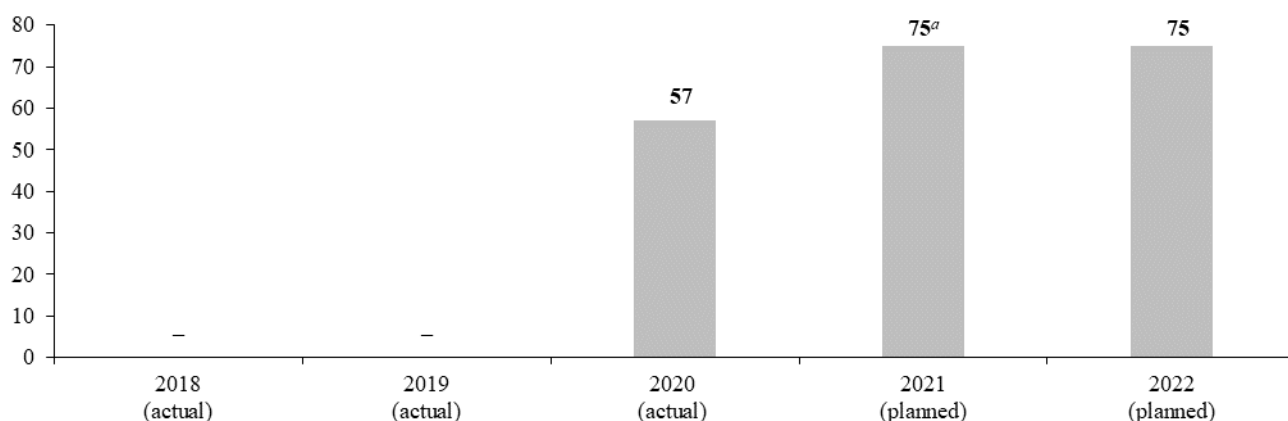
- 8.263 The above-mentioned work contributed to the registration of 57 sources of information and evidence, which did not meet the planned target of 69 available sources of data reflected in the programme budget for 2020. The target was not met mainly owing to operational restrictions imposed as a result of the COVID-19 pandemic.

#### **Proposed programme plan for 2022**

- 8.264 The Mechanism will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the Mechanism will identify and register high-value sources that can provide information and evidence capable of filling key gaps in the Mechanism's central repository and supporting domestic prosecutions. The expected progress is presented in the performance measure below (see figure 8.XIX).

Figure 8.XIX

**Performance measure: number of available data sources (cumulative)**



<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

#### **Result 2: mixed-format analysis<sup>17</sup>**

##### **Programme performance in 2020**

- 8.265 The Mechanism continued to collect information and evidence in multiple formats, including documents, videos, digital images and audio recordings. The Mechanism also made progress in using advanced computational methods to analyse large quantities of materials. In addition, it continued to enhance its in-house capacity to work with multiple evidence formats through the acquisition of relevant technology, the development of related standard operating procedures and, where required, technical training.
- 8.266 The above-mentioned work contributed to the review of 9,406 evidentiary records for the purpose of responding to requests for assistance made by competent authorities in relevant jurisdictions, which exceeded the planned target of 5,000 evidentiary records reflected in the programme budget for 2021.

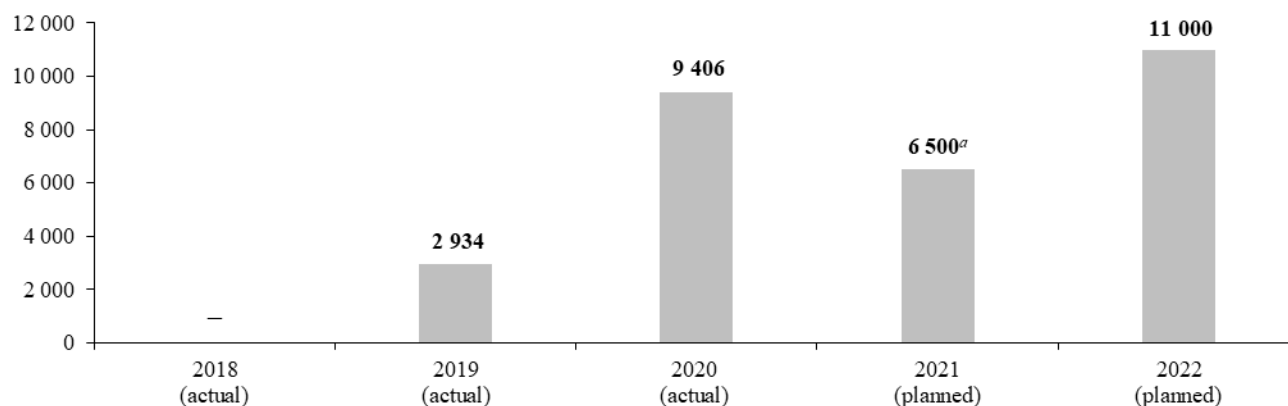
<sup>17</sup> As reflected in the programme budget for 2021 ([A/75/6/Add.1](#)).

### Proposed programme plan for 2022

- 8.267 The Mechanism will continue the work related to the planned result, in line with its mandate. To contribute to further progress towards the objective, the Mechanism will continue to develop its capacity to collect, preserve and review evidence in diverse formats through the acquisition and development of necessary technologies and the improvement of operating procedures, and by undertaking the necessary technical training. The expected progress is presented in the performance measure below (see figure 8.XX).

Figure 8.XX

**Performance measure: number of evidence collection records shared (annual)**



<sup>a</sup> To maintain accountability for initial programme plans, the 2021 target is carried forward from the programme budget for 2021 and reflects best estimates at that point in time before the COVID-19 pandemic. Programme performance for 2021 will be reported in the proposed programme budget for 2023.

### Result 3: improved integration of gender perspectives throughout the Mechanism's substantive work to facilitate inclusive justice

#### Proposed programme plan for 2022

- 8.268 In line with its terms of reference, the Mechanism has developed and is scaling up the implementation of a comprehensive gender strategy in order to enhance the integration of gender perspectives in its substantive work, in support of the justice efforts of competent jurisdictions now and in the future.

#### *Lessons learned and planned change*

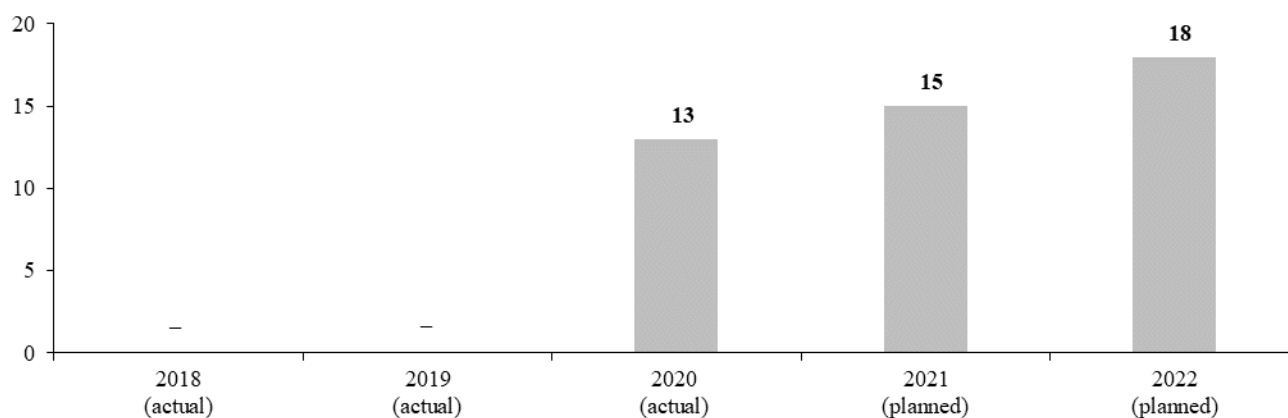
- 8.269 The lesson for the Mechanism was that proactive and effective guidance in the form of standard operating procedures and other guidelines, analytical tools and strategy frameworks, as well as training sessions and expert consultations, are required to adequately and effectively integrate gender perspectives into its substantive work. In applying the lesson, the Mechanism will develop additional specialized gender-related products, such as tailored support, training, guidelines and analytical tools to better integrate gender perspectives into its substantive work. It can thereby ensure that the Mechanism accurately represents the gendered nature and impact of crimes in the Syrian Arab Republic, as well as the diverse perspectives of victims and survivors of these crimes.

#### *Expected progress towards the attainment of the objective, and performance measure*

- 8.270 This work is expected to contribute to the objective, as demonstrated by 18 specialized gender-related products available immediately or in the future for provision to external entities requesting the Mechanism's input into or assistance with justice efforts and activities related to sexual and gender-based crimes in the Syrian context and engagement with victims and survivors of such crimes (see figure 8.XXI).

Figure 8.XXI

**Performance measure: number of specialized products available to external entities integrating a gender perspective (annual)**



### List of mandates

8.271 The list below provides all mandates entrusted to the Mechanism.

#### General Assembly resolutions

<a href="#">71/248</a>	International, Impartial and Independent Mechanism to Assist in the Investigations and Prosecutions of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011	<a href="#">75/193</a>	Situation of human rights in the Syrian Arab Republic
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### Deliverables

8.272 Table 8.54 lists all deliverables, by category and subcategory, for the period 2020–2022 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.54

**International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011: deliverables for the period 2020–2022, by category and subcategory**

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>A. Facilitation of the intergovernmental process and expert bodies</b>				
<b>Parliamentary documentation</b> (number of documents)	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>
1. Reports for the General Assembly	2	2	2	1
<b>Substantive services for meetings</b> (number of three-hour meetings)	<b>5</b>	<b>6</b>	<b>4</b>	<b>4</b>
2. Meetings of the General Assembly	2	2	1	1
3. Meetings of the Fifth Committee	1	2	1	1
4. Meetings of the Committee for Programme and Coordination	1	1	1	1
5. Meetings of the Advisory Committee on Administrative and Budgetary Questions	1	1	1	1

Category and subcategory	2020 planned	2020 actual	2021 planned	2022 planned
<b>B. Generation and transfer of knowledge</b>				
<b>Seminars, workshops and training events</b> (number of days)	<b>87</b>	<b>3</b>	<b>5</b>	<b>6</b>
6. Lausanne workshops on collaboration strategies between NGOs in the Syrian Arab Republic and the Mechanism	2	1	2	2
7. Workshops for civil society actors in the Syrian Arab Republic to build their capacity to be actors for accountability there	4	1	2	2
8. Training of members of war crimes units in the use of the Mechanism's evidence system to facilitate their identification and analysis of evidence of international crimes	80	–	–	–
9. Annual meeting with victims' representatives from NGOs to engage as part of its victim-centred approach	1	1	1	2
<b>Technical materials</b> (number of materials)	<b>50</b>	<b>60</b>	<b>71</b>	<b>87</b>
10. Document containing a compilation of information and evidence of international crimes, including in response to requests for assistance submitted to the Mechanism by prosecuting authorities	32	34	50	50
11. Documents containing a compilation of analysis of evidence of international crimes, for sharing with relevant authorities	15	25	19	35
12. Case files (in whole or in part) regarding individual criminal responsibility for specific international crimes, ready for sharing with relevant authorities which have jurisdiction to prosecute international crimes committed in the Syrian Arab Republic	3	1	2	2
<b>C. Substantive deliverables</b>				
<b>Fact-finding, monitoring and investigation missions:</b> more than 15 missions to identify and meet sources and potential witnesses and collect evidence to fill existing gaps in the Mechanism's central repository; and/or build case file(s) for national, regional or international jurisdictions that will prosecute international crimes committed in the Syrian Arab Republic since March 2011.				
<b>Consultation, advice and advocacy:</b> consultations with national judicial authorities from more than 15 countries to facilitate their identification and analysis of evidence of international crimes in the Mechanism's central repository, and further cooperation in support of national investigations and prosecutions; consultations with civil society, including a broad range of victim and survivor communities, to improve their understanding about accountability processes, their engagement with the Mechanism and the Mechanism's understanding of contextual factors and accountability priorities.				
<b>Databases and substantive digital materials:</b> central repository of evidence of crimes committed in the Syrian Arab Republic since March 2011 that can facilitate criminal law prosecutions in appropriate jurisdictions, now or in the future.				
<b>D. Communication deliverables</b>				
<b>Outreach programmes, special events and information materials:</b> periodic bulletins on the Mechanism's work distributed to some 200 NGOs and other entities; information and "frequently asked questions" pamphlets/leaflets for general dissemination; background papers containing information about the Mechanism; and meetings to raise awareness among United Nations partners of the Mechanism's mandate and activities.				
<b>External and media relations:</b> holding of press conferences and interviews; participation in panels and events; and provision of briefings to the diplomatic and academic communities on the progress of the Mechanism's work.				
<b>Digital platforms and multimedia content:</b> online content on the Mechanism's website.				



## B. Proposed post and non-post resource requirements for 2022

### Overview

8.273 The proposed regular budget resources for 2022, including the breakdown of resource changes, as applicable, are reflected in tables 8.55 to 8.57.

Table 8.55

#### Overall: evolution of financial resources by object of expenditure

(Thousands of United States dollars)

Object of expenditure	2020 expenditure	2021 appropriation	Technical adjustments	New/ expanded mandates	Changes			2022 estimate (before recosting)
					Other	Total	Percentage	
Post	8 183.8	10 479.4	–	–	(0.7)	(0.7)	0.0	10 478.7
Other staff costs	1 067.9	1 682.5	–	–	(525.6)	(525.6)	(31.2)	1 156.9
Hospitality	–	3.7	–	–	–	–	–	3.7
Consultants	484.7	1 104.7	–	–	(678.4)	(678.4)	(61.4)	426.3
Travel of representatives	–	290.7	–	–	(78.7)	(78.7)	(27.1)	212.0
Travel of staff	21.8	556.4	–	–	(81.3)	(81.3)	(14.6)	475.1
Contractual services	2 576.8	1 497.9	–	–	1 363.3	1 363.3	91.0	2 861.2
General operating expenses	1 169.9	950.7	–	–	(285.7)	(285.7)	(30.1)	665.0
Supplies and materials	18.8	64.8	–	–	(14.7)	(14.7)	(22.7)	50.1
Furniture and equipment	867.2	1 417.5	–	–	(634.3)	(634.3)	(44.7)	783.2
Grants and contributions	18.4	47.5	–	–	–	–	–	47.5
Other	8.0	–	–	–	–	–	–	–
<b>Total</b>	<b>14 417.2</b>	<b>18 095.8</b>	<b>–</b>	<b>–</b>	<b>(936.1)</b>	<b>(936.1)</b>	<b>(5.2)</b>	<b>17 159.7</b>

Table 8.56

#### Overall: proposed posts and post changes for 2022<sup>a</sup>

(Number of posts)

	Number	Details
Approved for 2021	60	1 ASG, 1 D-1, 4 P-5, 10 P-4, 24 P-3, 10 P-2/1, 1 GS (PL), 9 GS (OL)
Reclassification	–	Upward reclassification of 1 P-4 to P-5, downward reclassification of 1 P-4 to P-3
Proposed for 2022	60	1 ASG, 1 D-1, 5 P-5, 8 P-4, 25 P-3, 10 P-2/1, 1 GS (PL), 9 GS (OL)

<sup>a</sup> More information on post changes is reflected in annex II.

*Note:* The following abbreviations are used in tables and figures: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level).

Table 8.57

**Overall: proposed posts by category and grade**

(Number of posts)

Category and grade	Changes					2022 proposed
	2021 approved	Technical adjustments	New/expanded mandates	Other	Total	
Professional and higher						
ASG	1	—	—	—	—	1
D-1	1	—	—	—	—	1
P-5	4	—	—	1	—	5
P-4	10	—	—	(2)	—	8
P-3	24	—	—	1	—	25
P-2/1 <sup>a</sup>	10	—	—	—	—	10
Subtotal	50	—	—	—	—	50
General Service and related						
GS (PL)	1	—	—	—	—	1
GS (OL)	9	—	—	—	—	9
Subtotal	10	—	—	—	—	10
Total	60	—	—	—	—	60

<sup>a</sup> Includes four P-2 and six P-1 posts.

8.274 Additional details on the distribution of the proposed resources for 2022 are reflected in tables 8.5 8 to 8.60 and figure 8.XXII.

8.275 As reflected in tables 8.58 (1) and 8.59 (1), the overall resources proposed for 2022 amount to \$17,159,700 before recosting, reflecting a decrease of \$936,100 (or 5.2 per cent) compared with the appropriation for 2021. Resource changes result from other changes. The proposed level of resources provides for the full, efficient and effective implementation of mandates.

Table 8.58

**Overall: evolution of financial resources by source of funding and component**

(Thousands of United States dollars)

(1) *Regular budget*

Component	2020 expenditure	2021 appropriation	Changes				2022 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total Percentage	
Programme of work	14 417.2	18 095.8	—	—	(936.1)	(936.1) (5.2)	17 159.7
<b>Subtotal, 1</b>	<b>14 417.2</b>	<b>18 095.8</b>	<b>—</b>	<b>—</b>	<b>(936.1)</b>	<b>(936.1) (5.2)</b>	<b>17 159.7</b>

(2) *Extrabudgetary*

<i>Component</i>	<i>2020 expenditure</i>	<i>2021 estimate</i>	<i>Change</i>	<i>Percentage</i>	<i>2022 estimate</i>
Programme of work	678.4	4 887.4	261.4	5.3	5 148.8
<b>Subtotal, 2</b>	<b>678.4</b>	<b>4 887.4</b>	<b>261.4</b>	<b>5.3</b>	<b>5 148.8</b>
<b>Total</b>	<b>15 095.6</b>	<b>22 983.2</b>	<b>(674.7)</b>	<b>(3.0)</b>	<b>22 308.5</b>

Table 8.59

**Overall: proposed posts for 2022 by source of funding and component**

(Number of posts)

(1) *Regular budget*

<i>Component</i>	<i>2021 approved</i>	<i>Changes</i>				<i>2022 proposed</i>
		<i>Technical adjustments</i>	<i>New/expanded mandates</i>	<i>Other</i>	<i>Total</i>	
Programme of work	60	—	—	—	—	60
<b>Subtotal, 1</b>	<b>60</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>60</b>

(2) *Extrabudgetary*

<i>Component</i>	<i>2021 estimate</i>	<i>Change</i>	<i>2022 estimate</i>
Programme of work	25	1	26
<b>Subtotal, 2</b>	<b>25</b>	<b>1</b>	<b>26</b>
<b>Total</b>	<b>85</b>	<b>1</b>	<b>86</b>

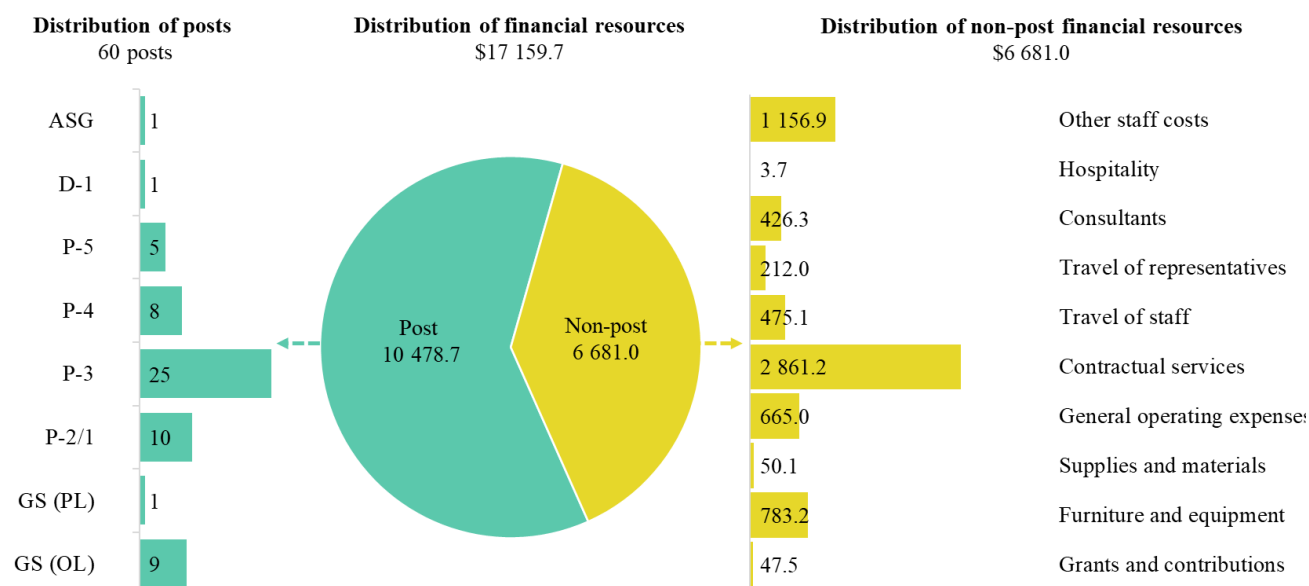
Table 8.60

**Overall: evolution of financial and post resources**

(Thousands of United States dollars/number of posts)

	Changes							2022 estimate (before recosting)
	2020 expenditure	2021 appropriation	Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	8 183.8	10 479.4	—	—	(0.7)	(0.7)	0.0	10 478.7
Non-post	6 433.5	7 616.4	—	—	(935.4)	(935.4)	(12.3)	6 681.0
Total	14 617.2	18 095.8	—	—	(936.1)	(936.1)	(5.2)	17 159.7
Post resources by category								
Professional and higher		50	—	—	—	—	—	50
General Service and related		10	—	—	—	—	—	10
Total		60	—	—	—	—	—	60

Figure 8.XXII  
**Distribution of proposed resources for 2022 (before recosting)**  
 (Number of posts/thousands of United States dollars)



## Explanation of variances by factor and component

### Overall resource changes

#### Other changes

8.276 As reflected in table 8.58 (1), resource changes reflect a net decrease of \$936,100, comprising a decrease under posts (\$700) and a net decrease under non-post resources (\$935,400), as follows:

- (a) The decrease of \$700 under posts relates to the proposed downward reclassification of one Legal Officer post from P-4 to P-3 level, that would be partially offset by the upward reclassification of one Legal Officer (P-4) post as Senior Legal Officer (P-5). The proposed changes are based on the proposed separation of the current Collection, Analysis and Sharing Section into two sections, the Collection and Analysis Section and the Support and Sharing Section, as follows:
  - (i) The Collection, Analysis and Sharing Section currently comprises the Support and Sharing Unit and the Collection and Analysis Unit. The proposed separation reflects the increase in the scope and workload of the Support and Sharing Unit, which is responsible for collaborating with judges, prosecutors and law enforcement agencies, typically through requests for assistance, and for supporting their investigative and prosecutorial activities. The Unit is also in charge of developing and negotiating formal and informal cooperation frameworks (for example, conventions, protocols and memorandums of understanding) with other United Nations entities, States, international organizations and civil society actors. The Unit facilitates the collection of information and evidence and shares it with competent jurisdictions. In 2020, the number of requests doubled – a trend that is expected to continue in 2022 and beyond. Similarly, cooperation on legal frameworks has been subject to commensurate growth in the past year. These frameworks need to cater for the increasingly sensitive nature of the information shared. With the implementation of previously concluded frameworks and the increase in collection and sharing activities based on the existing arrangements, the Mechanism has entered a new

phase of cooperation. Both aspects of the Unit's work require the regular engagement of the head of the Unit with high-level members of national judicial and diplomatic authorities, as well as with stakeholders from international and civil society organizations, on strictly confidential and highly sensitive matters. On the basis of the increased workload and responsibilities, it is proposed that the Support and Sharing Unit become a separate section, the Support and Sharing Section, and comprise three Legal Officer (1 P-4 and 2 P-3) posts and one Assistant Investigator (1 P-1) post. It is also proposed that the Legal Officer (P-4) post be reclassified as Senior Legal Officer (P-5) and become the head of the new Section;

- (ii) On the basis of the requirements of the Collection and Analysis Section, the downward reclassification of a Legal Officer post from P-4 to P-3 level is also proposed, allowing for the equal distribution of legal support at the P-3 level between the proposed new sections. The Legal Officer would work on specific components of the Mechanism's structural investigations, including specific lines of inquiry and case files. The functions would entail reviewing the work of analysts and preparing legal recommendation memorandums, generating advice on the direction of further investigations, and developing case materials, including briefs and legal/evidentiary modules. With the proposed change, the Collection and Analysis Section would comprise 21 posts (1 P-5, 1 P-4, 9 P-3, 7 P-2/1 and 3 General Service (Other level));
- (b) **Non-posts:** the net decrease of \$935,400 under non-post resources reflects the following changes:
  - (i) Reduced requirements under other staff costs (\$525,600) related to general temporary assistance and under consultants (\$678,400) reflect the Mechanism's intention to use existing capacity, internal expertise and skills, as recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph III.54 of its first report on the proposed programme budget for 2021 ([A/75/7](#) and [A/75/7/Corr.1](#)), and take into account expenditure experience. A portion of the reduced amount under consultants would cover the additional requirements under contractual services;
  - (ii) Reduced requirements under travel of representatives (\$78,700), travel of staff (\$81,300), and supplies and materials (\$14,700) reflect build-back better efforts to sustain the new working methods and practices undertaken during the COVID-19 pandemic. Such efforts include the increased use of virtual platforms, the conduct of a hybrid format of meetings for consultations with civil society actors and remote engagement in lieu of travel to seminars, workshops and training events that are now offered virtually;
  - (iii) The decrease under furniture and equipment (\$634,300) is mainly due to lower expenditure on software, servers and hardware as a result of the shift to cloud-based services. The decrease includes the redeployment of \$470,000 for satellite imagery analysis and forensic tools, which would be provided through contractual services;
  - (iv) The decrease under general operating expenses (\$285,700) is mainly due to a redeployment of resources to contractual services for the central support services of human resources, financial services and information and communication services at the United Nations Office at Geneva;
  - (v) The increase of \$1,363,300 under contractual services, which would partially offset the above-mentioned decreases, would be used on strengthening the requirements of the Mechanism's data-processing service to support and sustain the new working methods and practices; on language and technical training to support analysis of information and evidence; on translation and interpretation services to support collection activities; and on other specialized services, including subscriptions, safety and security in the field, and individual contractors to provide additional short-term analytical and legal research capacity.

## Extrabudgetary resources

- 8.277 As reflected in tables 8.58 (2) and 8.59 (2), the Mechanism expects to continue to receive extrabudgetary contributions, which would complement regular budget resources. For 2022, extrabudgetary resources are estimated at \$5,148,800 and would provide for 26 posts, as presented in table 8.59 (2), and related non-post resources. The resources would be used mainly to provide for additional lines of inquiry and/or new case files that require additional expertise on specific types of crimes; to support operations, including in the field; to address secondary trauma; to support records management; and to strengthen the Mechanism's translation and interpretation capabilities. The resources would also be used to support external relations and outreach, including for civil society in the Syrian Arab Republic, through virtual and in-person events and consultations. In 2022, extrabudgetary resources are expected to represent 23.1 per cent of the total resources for the Mechanism.
- 8.278 The extrabudgetary resources under this section are subject to the oversight of the Mechanism, which has delegated authority from the Secretary-General.

## Other information

- 8.279 In accordance with the 2030 Agenda, in particular target 12.6 of the Sustainable Development Goals, in which organizations are encouraged to integrate sustainability information into their reporting cycles, and in compliance with the cross-cutting mandate set out in paragraph 19 of General Assembly resolution 72/219, the Mechanism is integrating environmental management practices into its operations. For example, environmental management was a consideration in the construction of the Mechanism's purpose-built facility. The heating system is run on an economic three-pump system which allows for energy recovery. Common areas are lit with a motion detector system which ensures that lights are switched off when not in use. The maintenance plan for the grounds around the building does not involve the use of pesticides and is scheduled to be carried out at a frequency that allows for increased biodiversity.
- 8.280 Information on compliance with the timely submission of documentation and advance booking for air travel is reflected in table 8.61. The nature of the Mechanism's work means that staff members are often required to travel at short notice, as they need to be reactive to the schedules of the Mechanism's sources. The low compliance rate in 2020 is also because of the COVID-19 outbreak. Owing to constantly changing travel restrictions, trips were often arranged or changed at the last minute, which prevented the Mechanism from complying with the rule to purchase air tickets at least two weeks before the commencement of travel. The Mechanism plans to deploy initiatives that will have a positive impact on advance travel planning, including enhanced centralized monitoring and the dissemination of a guidance document on official travel containing clear procedures with regard to the travel approval process.

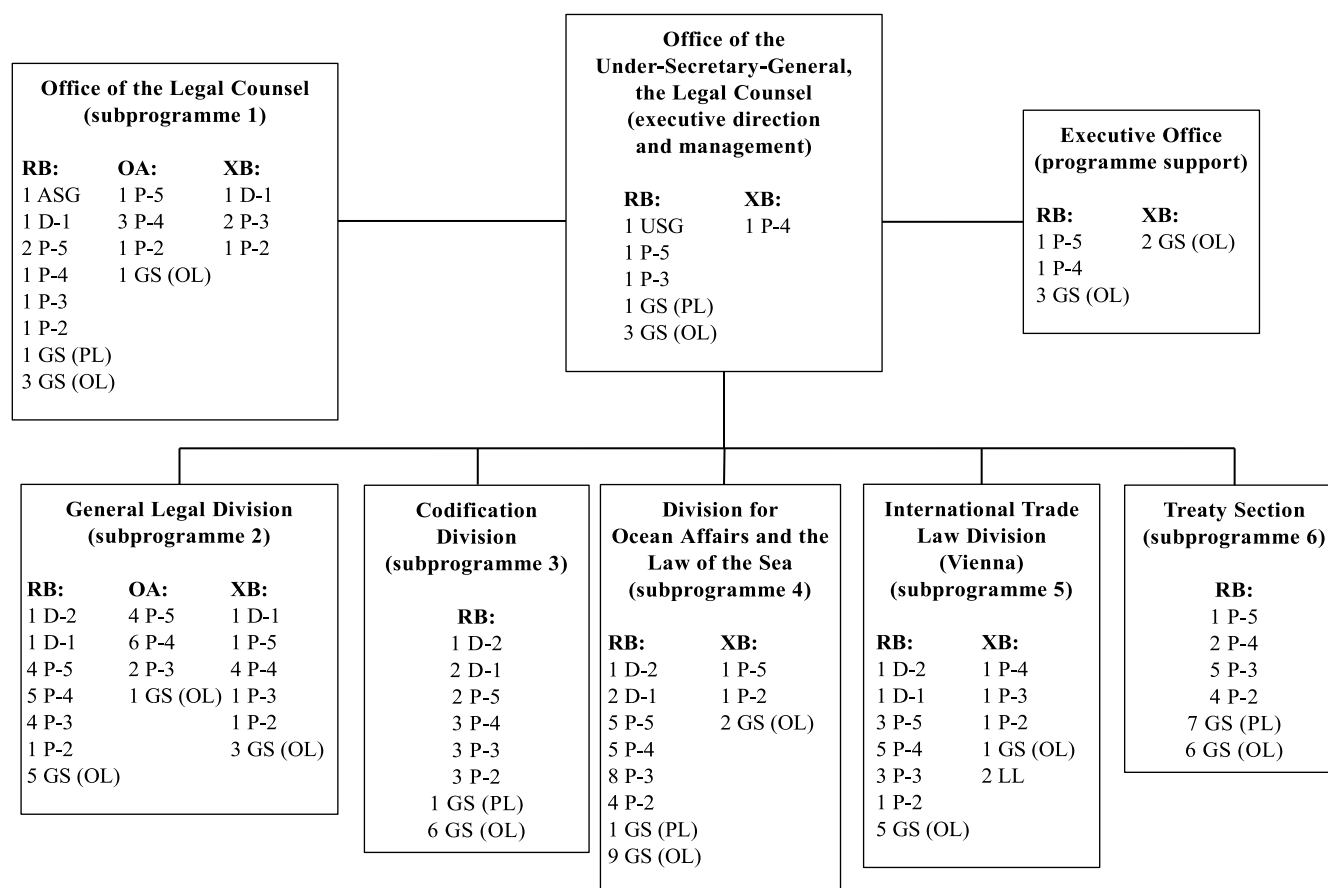
Table 8.61  
**Compliance rate**  
 (Percentage)

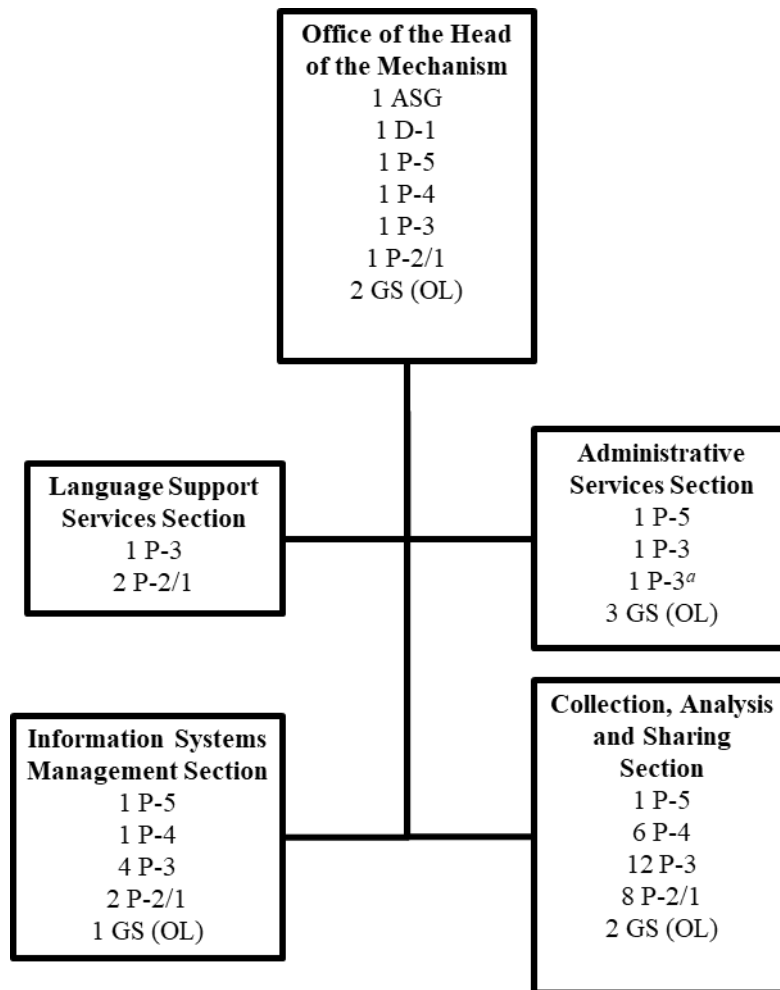
	<i>Actual 2019</i>	<i>Actual 2020</i>	<i>Planned 2021</i>	<i>Planned 2022</i>
Timely submission of documentation	—	100	100	100
Air tickets purchased at least 2 weeks before the commencement of travel	—	10	100	100

## Annexes to the proposed post and non-post requirements for 2022

### I. Organizational structure and post distribution for 2022

#### A. Office of Legal Affairs



**B. Independent Investigative Mechanism for Myanmar**

<sup>a</sup> Reassigned position.



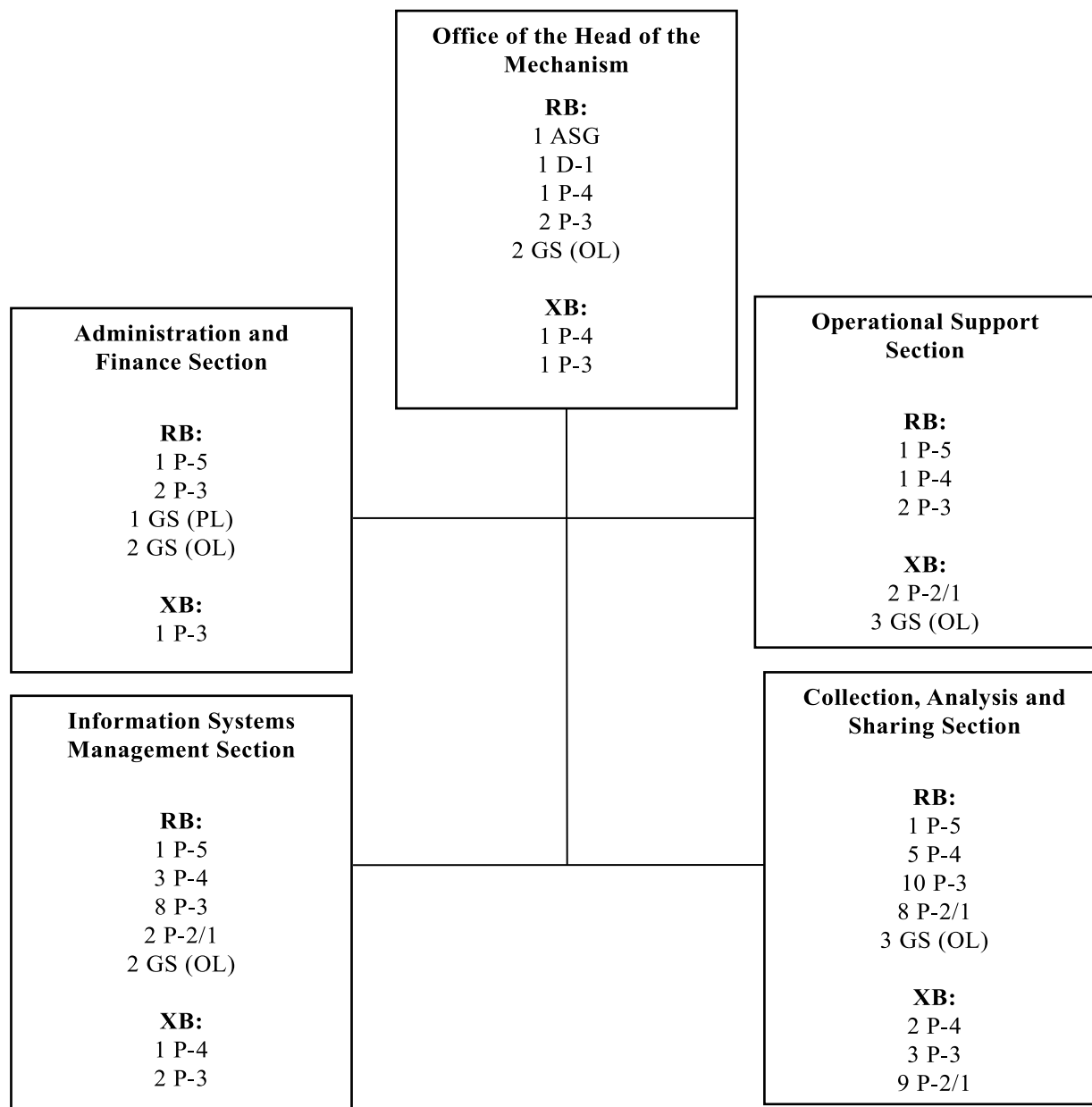
### **C. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011**

Two charts showing the organizational structure of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 are presented below. Chart 1 shows the approved organizational structure for 2021. Chart 2 presents the proposed organizational structure for 2022.

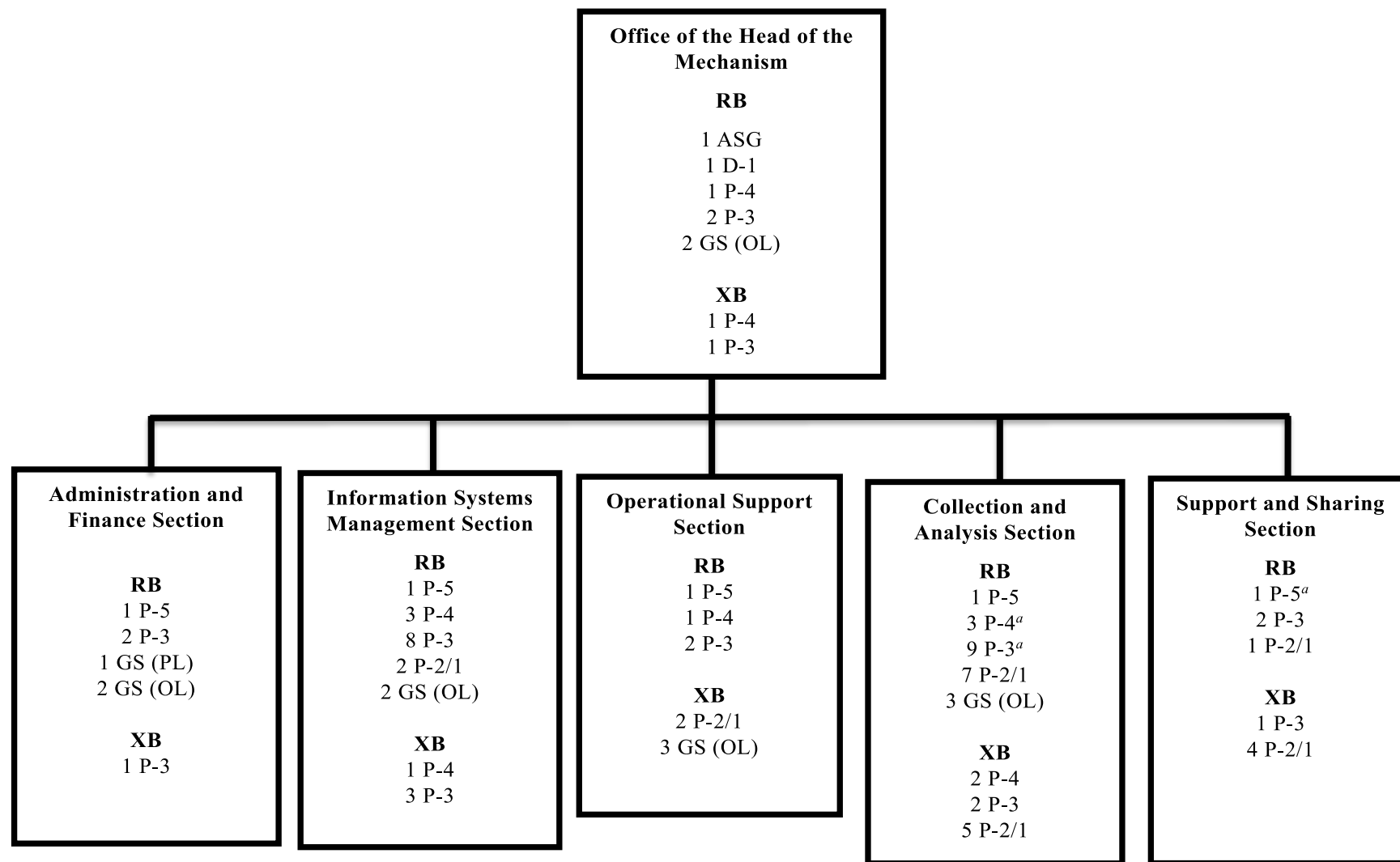
#### **Justification for the proposed changes**

The proposed changes include the split of the Collection, Analysis and Sharing Section into two sections: the Collection and Analysis Section and the Support and Sharing Section. The proposed separation reflects the increase in the scope and workload of the Support and Sharing Unit, which is responsible for collaborating with judges, prosecutors and law enforcement agencies, typically through requests for assistance, and for supporting their investigative and prosecutorial activities. The Unit is also in charge of developing and negotiating formal and informal cooperation frameworks (for example, conventions, protocols and memorandums of understanding) with other United Nations entities, States, international organizations and civil society actors. The Unit facilitates the collection of information and evidence and shares it with competent jurisdictions. In 2020, the number of requests doubled – a trend that is expected to continue in 2022 and beyond. Similarly, cooperation on legal frameworks has experienced commensurate growth in the past year. These frameworks need to cater for the increasingly sensitive nature of the information shared. With the implementation of previously concluded frameworks and the increase in collection and sharing activities based on the existing arrangements, the Mechanism has entered a new phase of cooperation. Both aspects of the Unit's work require the regular engagement of the head of the Unit with high-level members of national judicial and diplomatic authorities, as well as with stakeholders from international and civil society organizations, on strictly confidential and highly sensitive matters.

# 1. Approved organizational structure and post distribution for 2021



## 2. Proposed organizational structure and post distribution for 2022



*Abbreviations:* ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level); LL, Local level; OA, other assessed; RB, regular budget; XB, extrabudgetary.

<sup>a</sup> Reclassification of one Legal Officer (P-4) as Legal Officer (P-3), and reclassification of one Legal Officer (P-4) as Senior Legal Officer (P-5).

## II. Summary of proposed post changes by component

### A. Independent Investigative Mechanism for Myanmar<sup>a</sup>

<i>Component</i>	<i>General temporary assistance positions</i>	<i>Grade</i>	<i>Description</i>	<i>Reason for change</i>
Programme of work	1	P-3	<b>Reassignment</b> of 1 Finance and Budget Officer (P-3) as Administrative Officer (P-3)	To strengthen the Mechanism's administrative capacity to cover not only budget and finance requirements, but also other administrative functions, including procurement, contract management (in particular, for contracts relating to technology platforms for the collection, processing, analysis and preservation of evidence), auditing and other Secretariat-wide initiatives, including enterprise risk management, business continuity, the delegation of authority, and good conduct and discipline. The reassignment would supplement the existing human resources capacity to develop human resources management and monitoring reports

<sup>a</sup> The distribution of general temporary assistance positions is indicated.

**B. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011**

<i>Component</i>	<i>Posts</i>	<i>Grade</i>	<i>Description</i>	<i>Reason for change</i>
Programme of work	1	P-5	<b>Reclassification</b> of 1 Legal Officer (P-4) as Senior Legal Officer (P-5)	The Senior Legal Officer (P-5) would head the proposed Support and Sharing Section, whose establishment is requested as a result of increased responsibilities and workload related to supporting and sharing information with national jurisdictions
	(1)	P-4		
	(1)	P-4	<b>Reclassification</b> of 1 Legal Officer (P-4) as Legal Officer (P-3)	The downward reclassification reflects the requirements of the Collection and Analysis Section and would allow for equal distribution of legal support at the P-3 level between the two Sections
	1	P-3		

### III. Overview of financial and post resources by entity and funding source\*

(Thousands of United States dollars/number of posts)

	<i>Regular budget</i>			<i>Other assessed</i>			<i>Extrabudgetary</i>			<i>Total</i>		
	<i>2021 appropriation</i>	<i>2022 estimate (before recosting)</i>	<i>Variance</i>	<i>2021 estimate</i>	<i>2022 estimate</i>	<i>Variance</i>	<i>2021 estimate</i>	<i>2022 estimate</i>	<i>Variance</i>	<i>2021 estimate</i>	<i>2022 estimate</i>	<i>Variance</i>
<b>Financial resources</b>												
Office of Legal Affairs	26 892.5	27 561.1	668.6	4 279.1	4 867.9	588.8	9 542.6	9 374.6	(168.0)	40 714.2	41 803.6	1 089.4
Independent Investigative Mechanism for Myanmar	12 666.2	13 086.7	420.5	—	—	—	—	—	—	12 666.2	13 086.7	420.5
International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011	18 095.8	17 159.7	(936.1)	—	—	0.0	4 887.4	5 148.8	261.4	22 983.2	22 308.5	(674.7)
<b>Total</b>	<b>57 654.5</b>	<b>57 807.5</b>	<b>153.0</b>	<b>4 279.1</b>	<b>4 867.9</b>	<b>588.8</b>	<b>14 430.0</b>	<b>14 523.4</b>	<b>93.4</b>	<b>76 363.6</b>	<b>77 198.8</b>	<b>835.2</b>
<b>Post resources</b>												
Office of Legal Affairs	144	144	—	19	19	—	29	28	(1)	192	191	(1)
Independent Investigative Mechanism for Myanmar**	55	55	—	—	—	—	—	—	—	55	55	—
International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011	60	60	—	—	—	—	25	26	1	85	86	1
<b>Total</b>	<b>259</b>	<b>259</b>	<b>—</b>	<b>19</b>	<b>19</b>	<b>—</b>	<b>54</b>	<b>54</b>	<b>—</b>	<b>332</b>	<b>332</b>	<b>—</b>

\* Does not include resources for 2022 for the Extraordinary Chambers in the Courts of Cambodia, the Residual Special Court for Sierra Leone and the Special Tribunal for Lebanon, which will be requested in the related reports of the Secretary-General.

\*\* General temporary assistance positions.